

# Sport Fisheries Advisory Commission Meeting

***Monday,  
February 22, 2010***

***Sponsored by the***  
Maryland Department of Natural Resources  
Annapolis, Maryland

***Held at the***  
Maryland Department of Natural Resources  
Annapolis, Maryland

***Maryland DNR Sport Fisheries Advisory Commission***

February 22, 2010

**SFAC Members Present:**

Jim Gracie, Chair

David Birkett (*proxy for Val Lynch*)

Larry Coburn

Richard Gaines (*proxy for Brandon White*)

William Goldsborough

Brian Keehn

Edward O'Brien

David Sikorski

David Smith (*proxy for William Windley*)

Herbert Smith

Roger Trageser

James Wommack

**SFAC Members Absent:**

E. Neil Jacobs

**Maryland DNR Fisheries Service:**

Marty Gary

Tom O'Connell

**Maryland DNR Sport Fisheries Advisory Commission**

February 22, 2010

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KEYNOTE: "----" Indicates inaudible in transcript.

E V E N I N G    S E S S I O N

(6:00 p.m.)

***Welcome and Announcements******by Marty Gary, MD DNR Fisheries Service***

MR. GARY: All right. Well, welcome Commissioners and the public to our meeting of the Sport Fish Advisory Commission for February 22<sup>nd</sup>, 2010.

Commissioners, if you could reference your folders. We've had a couple of additions. And updated agenda is located just prior to tab number one. So you might want to reference that for tonight. Also, inserted into tab number five, behind the draft Inland Regulation changes is a monthly summary of Inland activities. That is something that Don Cosden and his group plan to continue for each of the meetings. And we may -- if you like that, we may look to do that for other projects.

The tab 11, we've replaced the Diamond Jim update with a copy of the Bill summary for the flexibility to restore America's Fisheries Act. And that was also e-mailed to you. It's also up on the web site.

And just a couple of other quick announcements. Tonight's proxies, we have, Brandon White is unable to be here, and Richie Gaines is Brandon's designated proxy. Richie is former Sport Fisheries Advisory Commissioner and Chairman, and welcome back Richie.

1 MR. GAINES: Thank you.

2 MR. GARY: Appreciate your presence here tonight.

3 Also, we understood that Dave Birkett would be sitting in for  
4 Val Lynch. I received an e-mail, but apparently he's not  
5 here. Maybe he'll still show up if he's coming from Ocean  
6 City.

7 Other than that I think we have -- and also we  
8 have Dave Smith. And Dave Smith is the designated proxy for  
9 Bill Windley. Bill, I understand, is not doing well from a  
10 health prospective. So we're sorry to hear that. But Dave  
11 is in as official proxy for Bill Windley.

12 All of the Commissioners -- Neil Jacobs, for the  
13 record, Neil Jacobs and Neil Jacobs designated proxy,  
14 Solomon McCartney, were unable to attend tonight's meeting.

15 There are two sign-up sheets that are circulating.  
16 One for the Commissioners. And I actually have that here.  
17 If any Commissioners have not signed the sign-in sheet. All  
18 Commissioners have signed. There is also another sign-in  
19 sheet -- okay. Bill has one, I have one here. If anybody  
20 from the public has not signed one of these two sign-in  
21 sheets, please come up and grab that might, if you might.

22 Finally, two other items to mention. For public  
23 comments, the Chairman, Mr. Jim Gracie, will control public  
24 comments. Please do not speak unless you're recognized.  
25 There will be opportunities during the meeting for public

1     comments.

2                 I will recordings motions and actions as we develop  
3     those up on the screen. And I guess the last question I will  
4     ask is the -- is the -- is this font, is this size  
5     discernable to everybody. I can make it larger if you like,  
6     or we can change it on the fly.

7                 Mr. Chairman, you're meeting.

8                 MR. GRACIE: Thank you. We have an NRP Report  
9     first?

10                SERGEANT ALBERT: Yes, sir.

11                MR. GARY: Behind you.

12                                 ***NRP Report***

13                                 ***by Sergeant Brian Albert, NRP***

14                SERGEANT ALBERT: If I could just start out. I am  
15     Sergeant Brian Albert, I am currently assigned to Western  
16     Maryland. I am filling in for Captain Paul Heeney. Right  
17     now he's in Key West, so I know we all feel real bad for him.  
18     I got tagged to come down to the meeting.

19                The handout that I am sending out, is just some  
20     highlights of some cases that we've run over the last --  
21     since the first of the year. General Tidal Fish. And excuse  
22     my voice, I am a little bit under the weather so -- but  
23     hopefully not contagious.

24                On January 10<sup>th</sup> and 11<sup>th</sup>, we had Cecil County  
25     Officers respond to a hoop net complaint, Susquehanna River.

1 The net was pulled and the investigation continues. I am not  
2 sure -- I didn't receive any followup from those officers  
3 that if they made any arrests or charged anyone that --  
4 incident.

5 Striped bass, Queen Anne's County Officers cited a  
6 commercial fisherman with oversized striped bass and gill  
7 nets. The Kent County Officer, commercial waterman with  
8 over-the-limit striped bass, 170 pounds were seized.  
9 Dorchester County, charged a waterman with an unattended gill  
10 net. Kent County, discovered and seized two anchored gill  
11 nets. Anne Arundel County, subject charged with an illegal  
12 gill net, west of -- near the West River.

13 Oysters and clams. You will see on the -- if  
14 anyone else needs a copy of this, I can get you one, if you  
15 didn't receive one.

16 I just cut and pasted a few things that were in  
17 there with the Talbot County things that were some of the  
18 press releases that were put out about the poaching and  
19 stuff. And I am not going to read that one for you. You  
20 guys can read that. If you have any questions on it, you  
21 know, I can certainly try and answer them. If not, I can get  
22 back with you on it.

23 In Somerset County, we've been doing some oyster  
24 saturation patrols throughout the Bay, which you guys have  
25 probably all seen is -- in the paper and news releases and

1 depends on where you're at, you know, the papers -- usually  
2 the Baltimore Sun does a pretty good job of reporting these.

3 Saint Mary's, we've conducted special enforcement  
4 patrol concentrating on oystering activity, nine boats were  
5 checked but no violating.

6 Then we have a list of the Saint Mary's County  
7 citations that were issued. You guys can look -- we have  
8 names and everything. And they're public records, that's why  
9 we went ahead and put them in here.

10 And then the warnings that were issued to the  
11 Golden Eye Seafood and Crabknockers Seafood in Leonardtown.

12 The grabs officers responded in Saint Mary's County  
13 to -- working in the closed season off Smith Point. Citation  
14 and warnings were issued for the violations.

15 Garrett County, non-tidal, one thing -- we've had  
16 some issues and I don't know if any of you guys are in --  
17 familiar with it or having information on it, with West  
18 Virginia where the stocked areas are on the North Branch,  
19 where we can check the fisherman there. We're working with  
20 West Virginia Natural Resources.

21 There are officers there along the North Branch to  
22 work joint patrols to where we can -- we're going to be on a  
23 boat basically and because we can't, as a Maryland Officer,  
24 enter West Virginia to check them, even if they're fishing  
25 Maryland waters. There are liability issues. So we're going



1 to work with their agency to do some checks there.

2           The Fisheries Service, you know, we put trout into  
3 those areas. And we've had some issues brought to our  
4 attention over the past few years on that. So, you know,  
5 we've been working that area pretty heavy, so we're going to  
6 work it with West Virginia. They are a very limited resource  
7 over there. I think they have one officer for three or four  
8 counties. So we're going to do some joint patrols with them  
9 in the spring.

10           And then we've seen an increase of ice fisherman on  
11 Deep Creek Lake up until the last two -- it's been pretty --  
12 pretty good snow cover on the lake right now. So -- a couple  
13 over the limit cases. We've been up -- I worked Garrett  
14 County for four years. And we were doing some research like  
15 -- we were getting information from the internet sites, they  
16 have pictures posted. The size of this, in between these  
17 tables with perch that they were taking. So, yes, it was  
18 unbelievable. Some small walleye but we can, you know, it  
19 was never anybody named.

20           It was always on -- I think it was called Fishing  
21 Deep Creek dot com. If you just go to that site. They have  
22 some ice fishermen that they looked like they were maybe in a  
23 garage or something. But it was unbelievable the amount of  
24 fish that was -- that was there.

25           One thing that we're always concerned with is the

1 safety of our officers who are out on that lake. You know,  
2 with the ice. Because usually the ice fishermen, it seems  
3 like they, you know, I've seen them lay boards down from me  
4 to the table to get out -- or ladders to walk out across bad  
5 ice to get to the main lake, which -- we're not going to  
6 jeopardize our officers to go out there and get them.

7 But no problem with this year, two feet thick in  
8 the middle. So --

9 MR. GRACIE: I am curious about one thing here.

10 SERGEANT ALBERT: Yes, sir.

11 MR. GRACIE: Between January 8<sup>th</sup> and February 16<sup>th</sup>,  
12 you claim you were checking ice fishermen on the Savage River  
13 Reservoir. I am wondering if this is just boilerplate,  
14 because Savage River Reservoir has been drained.

15 SERGEANT ALBERT: I know that. The final sentence.  
16 Okay. That might have been -- this was prepared for me --  
17 they just cut --

18 MR. GRACIE: Yes.

19 SERGEANT ALBERT: -- put it in there, Savage --

20 MR. GRACIE: That's what it looks like.

21 SERGEANT ALBERT: Yes.

22 MR. GRACIE: We did have some wile fluctuations in  
23 there for a while but -- I don't thin it had ice on it.

24 SERGEANT ALBERT: No.

25 MR. GRACIE: Since January 8<sup>th</sup>. It's easier to fish

1 that way --

2 SERGEANT ALBERT: Maybe now but --

3 MR. GRACIE: All right.

4 SERGEANT ALBERT: If you have any questions -- the  
5 second handout was the jetty that Marty gave me. And I did  
6 some real quick calls. This was a combined effort -- the  
7 jetty down at Ocean City. Due to the increased activity.  
8 And we were getting numerous calls for people falling off  
9 that jetty and getting into the -- so the First Responders  
10 from the Fire and EMS from Ocean City, along with the Coast  
11 Guard, Natural Resource Police, it's all a combined effort.  
12 And they are going to post it as soon as the weather is  
13 permissible.

14 So, if you guys have any questions, hopefully I  
15 will have the answer, if I don't, I can get it to you.

16 *Questions and Answers*

17 MR. H. SMITH: Do you think the fines serve as much  
18 of a deterrent to power dredging oysters?

19 SERGEANT ALBERT: I think that -- and this has been  
20 put out there, and I haven't been on the shore since 1990 --  
21 early nineties, so I haven't dealt with oysters much in the  
22 last 15 to 18 years. But I think it's -- some people feel  
23 that it's the cost of doing business. Yes, some --

24 MR. GRACIE: There's a bill in there to increase  
25 them substantially now.

1 SERGEANT ALBERT: Right.

2 MR. O'CONNELL: Just to clarify, the -- I think  
3 that it's obvious that the current penalty system has not  
4 been a deterrent. If you look at the level of poaching that  
5 has occurred. Last year Delegate Lafferty sponsored a bill  
6 to require the Department to increase the penalties by  
7 regulation. And we've gone through the process of working  
8 with the penalty work groups and we have a regulation that  
9 has been proposed right now and it will be come final on  
10 February 22<sup>nd</sup>, which is today.

11 So, hopefully with the increased fines and the  
12 ability to suspend licenses earlier, that will become more of  
13 a deterrent.

14 MR. GRACIE: And if the bill passes, the maximum  
15 penalties go up even more.

16 MR. O'CONNELL: Yes. Senator Frosh has a bill  
17 that, you know, on certain oyster violations could result in  
18 immediate suspension or revocation of a commercial license.

19 MR. GRACIE: I saw him at the Conservation  
20 Enforcement Act Legislation which is the foundation. There  
21 was a maximum \$10,000.00 fine on that.

22 SERGEANT ALBERT: There was -- and there a few more  
23 letters of suspension coming that I've been -- that I was  
24 made aware of. I don't know who those people are. But there  
25 was a few issued -- letters of suspension. Yes, sir.

1 (Voice - Away from mike)

2 MR. : There was a -- I think out in  
3 Cumberland, --- a fellow had I guess a turkey, a white tailed  
4 deer --

5 SERGEANT ALBERT: Yes.

6 MR. : He also had 40 traps.

7 SERGEANT ALBERT: Yes.

8 MR. : Was my understanding. And was  
9 wondering if you knew, could find out for us what the species  
10 ---. Just interested in whether he was poaching wile fish or  
11 whether he was, you know, fishing on some ---.

12 SERGEANT ALBERT: I will find out for you.

13 MR. : Yes.

14 SERGEANT ALBERT: But that was an ongoing case that  
15 Corporal Mike Friend made -- and the search warrants and  
16 everything. That was a long case. And you know, that --  
17 he's been a problem for a long time, obviously, if you read  
18 the charges, but it was about three pages full. Yes, sir.

19 MR. GAINES: Yes, I just wanted to follow up on  
20 what Mr. Smith had asked. About three years ago we worked  
21 with tidal fish real close to get the point system in place.  
22 And I think it was probably enacted maybe two years ago when  
23 it actually took effect. So you're just now starting to see  
24 those points add up for the bad guys where it starts to take  
25 him out of the fishery.

1           The fine itself is just the cost of doing business.  
2 But what's scares them most is losing that license during  
3 their season. And then actually losing it towards the end.  
4 I think those have a deterrent. But that really hasn't  
5 started catching up with people because it hasn't been into  
6 effect -- what is it, three violations in two years or  
7 something.

8           MR. GRACIE: It all changed last year.

9           MR. GAINES: Oh, did it, really. Right.

10          SERGEANT ALBERT: Yes, sir.

11          (Voice - away from mike)

12          MR.           : When you talk about closing down the  
13 jetty, posting the jetty in Ocean City, is it the Sound  
14 jetty?

15          SERGEANT ALBERT: Yes.

16          MR.           : Sound jetty.

17          SERGEANT ALBERT: Yes.

18          MR.           : And do you know where they will  
19 start posting?

20          SERGEANT ALBERT: No, I am not sure. Wherever they  
21 post it. I can get back with you and let you know.

22          MR.           : I was just wondering.

23          MR. SIKORSKI: I believe the closure occurs at the  
24 hump. If you are familiar with it, there's a --

25          MR.           : Yes.

1 MR. SIKORSKI: Where there are uniform rocks, that  
2 come up and then it comes up to a large hump.

3 MR. : Right.

4 MR. SIKORSKI: And then after that hump, it just  
5 seems to be kind of --

6 MR. : Right. It's flattened out there.

7 MR. SIKORSKI: Yes.

8 SERGEANT ALBERT: Yes, it says the eastern third of  
9 the jetty is closed to all foot traffic and --

10 MR. GRACIE: All foot traffic, so you can't go out  
11 there.

12 SERGEANT ALBERT: Right.

13 MR. GRACIE: Whether your fishing or not?

14 SERGEANT ALBERT: Yes.

15 MR. GRACIE: Any other questions for fisheries?  
16 Any questions from the public?

17 MR. McGUIRE: Yes.

18 MR. GRACIE: Go ahead.

19 MR. McGUIRE: Yes, sir. I just read an article or  
20 maybe this news release today about --

21 MR. GRACIE: Scott, if you don't mind, can you come  
22 up and use the mike. And identify yourself.

23 MR. McGUIRE: Sure. Scott McGuire, Hollywood,  
24 Maryland. I just read a news release today about some bust  
25 -- fish houses on the Eastern Shore.

1 SERGEANT ALBERT: Yes.

2 MR. McGUIRE: Could you tell us anything about  
3 those?

4 SERGEANT ALBERT: Basically the news release is  
5 what I -- there was an undercover operation that took place.  
6 It was about two years in length. All the warrants and all  
7 the documents right now, all the charging will be sealed for  
8 at least 30 days, possibly longer. I know that -- the Fish  
9 and Wildlife was involved. There were federal charges  
10 involved. But it was three seafood companies, basically, in  
11 Dorchester County that was -- basically the focus of the  
12 operation.

13 That's basically all I have on it in a nutshell. I  
14 received the same thing, you know, I think the WBOC had it --  
15 is that where you read it?

16 MR. McGUIRE: I don't recall.

17 SERGEANT ALBERT: Yes. Okay. It probably went out  
18 to a lot of media outlets.

19 MR. GRACIE: Next question.

20 SERGEANT ALBERT: Yes, sir.

21 MR. GRACIE: Tom.

22 MR. O'CONNELL: I am sorry.

23 MR. GRACIE: No, no. Hold up. Bill --

24 MR. GOLDSBOROUGH: No, no, this is something else.  
25 I missed my opportunity earlier to introduce everybody my



1 proxy, John Page Williams, who is going to be filling in for  
2 me at the next meeting. I forgot about that.

3 MR. GRACIE: Thank you. Go ahead, Tom.

4 ***Legislative and Regulatory Update***

5 ***by Tom O'Connell and Harley Speir, MD DNR Fisheries Services***

6 MR. O'CONNELL: Sure. This is the Legislative and  
7 Regulatory update. And I will go over most of it. I may  
8 need Harley to help me out on some of the details.

9 This information was sent to you guys like a week  
10 ago. Would you prefer me to go through it item by item or  
11 can I highlight some of the relative things.

12 MR. GRACIE: Anybody need a detailed rendition? We  
13 had it a week ago. Okay.

14 MR. O'CONNELL: I can highlight and then if you  
15 have any questions you can follow back up with me.

16 Under regulations, I think the Catch-and-release  
17 Striped Bass Recreational Season, the comment ended on  
18 February 3<sup>rd</sup>, and the Department is going forward as proposed.  
19 And the effective date of that will be March 22<sup>nd</sup>. Initially  
20 it was thought that it could be in place by March 8<sup>th</sup>, but  
21 it's going to be March 22<sup>nd</sup>.

22 Upcoming regulations, probably the oyster proposal  
23 is probably most relevant to this group. The Department is  
24 taking an extended period of time to review the public  
25 comments. Initially we were hoping for February 19<sup>th</sup>.

1           We've been meeting with each of the different stake  
2 holder groups to exchange our perspectives on the comments  
3 that we received. And at this point in time, probably the  
4 earliest will be towards the end of March but more likely the  
5 beginning of April. Given the amount of time we need to take  
6 to develop all the coordinate language once the final  
7 decision is made.

8           Under legislation, a lot of activity going on this  
9 year. Mostly with oysters. There are a few departmental  
10 bills, Senate Bill 29, Preparation of Fishery Management  
11 Plans. This is implementation of one of the recommendations  
12 of the task force of fisheries management. This bill will  
13 give the Department the authority to develop fisheries  
14 management plans based upon the need rather than having to go  
15 back and modify the list of species and statute for each  
16 year.

17           So, if there's a species for which we believe  
18 there's a need for development of a fisheries management plan  
19 to give us the regulatory authority that will be assessed in  
20 coordination with both the Sport Fish and Tidal Fish Advisory  
21 Commission and if proved necessary the Department will have  
22 the ability to draft that plan.

23           MR. GRACIE: Will that apply to tidal and  
24 non-tidal?

25           MR. O'CONNELL: It will apply to tidal and

1 non-tidal, but probably most relevant to tidal. It does  
2 apply to both.

3 MR. GRACIE: Okay.

4 MR. O'CONNELL: I will go over through some of the  
5 departmentals and I will try to summarize the oyster ones.

6 Senate Bill 84, this is a private sponsor but  
7 something that the Department was interested in doing. This  
8 would establish staggered reappointments for both the Sport  
9 Fish and Tidal Fish Advisory Commissioners. And initially  
10 proposed to add three members to the Sport Fisheries Advisory  
11 Commission and the bill has been amended to also add three  
12 members to Tidal Fish Advisory Commission.

13 This largely came about when we were reforming the  
14 membership of this body and recognized the number of  
15 stakeholder interest groups has been expanded and the need to  
16 add more members to get adequate representation of the  
17 recreational fishing community.

18 House Bill 98 is another departmental. Just to  
19 clarify some loopholes with the tidal fish licenses.  
20 Currently if -- if a tidal fish license is suspended that  
21 suspension goes with the license and not with the individual.  
22 So if Jim Gracie had a commercial license and had his license  
23 suspended. The license is suspended. But if I had a license  
24 that I wasn't using I could transfer that to Jim and Jim  
25 could be back on the water the next day.

1           So this would clarify that the individual whose  
2       licence was suspended would not be able to commercially fish  
3       during that suspension period.

4           The bill also would require the Department to work  
5       with the Sport Fish and Tidal Fish Advisory Commission to  
6       develop penalties for federal violations. Right now we don't  
7       have the ability to assign penalties and suspensions for  
8       federal violations. We had some of that a couple of years  
9       ago in striped bass. This would give us the ability to  
10      penalize someone for federal violations.

11          The -- with regards to the oyster bills, there are  
12      a number of oyster bills that would significantly impede the  
13      Department from implement the Governor's oyster proposal.  
14      You can go through the list for yourself. Several of them  
15      would remove the Department's authority for several aspects  
16      of managing oysters, from taking away our authority to  
17      establishing new sanctuaries and give that authority to the  
18      Legislature. To delay implementation of new sanctuaries for  
19      a year and a half to two years.

20          To taking away our authority to regulate in certain  
21      gears like power dredges. Giving authority for regulating  
22      power dredges to the County Oyster Committees, which is a --  
23      a five member group of commercial fishermen, oystermen.

24          So there are a lot of bills to go -- to  
25      significantly affect our ability to go forward with the

1 oyster proposal.

2           Then Recreational Sport Fish and License Bill was  
3 finally submitted last week. It's not on this list. But  
4 it's House Bill 1345. And if you -- we can get you a copy of  
5 that list.

6           There are a couple of issues that we're aware of  
7 after the bill -- during the bill's drafting stage that we're  
8 trying to address. The coastal community has raised  
9 significant concerns about the Tidal Non-Resident License,  
10 which had historically been \$15.00, whether you are a  
11 resident or non-resident. This bill would require  
12 reciprocity, so a non-resident would have to pay \$15.00 or  
13 whatever their state charges for non-residents, whichever the  
14 higher fee is.

15           The bait and tackle shops they're concerned about,  
16 you know, it's a busy time of year down there. People are  
17 coming in. There's confusion. Non-residents coming to the  
18 counter, I want my license. Well, what state are you from.  
19 Sales person is going to have to get on the computer to look  
20 it up. Or have a sheet of paper here. It's going to take  
21 more time.

22           Also if you get two different non-residents coming  
23 to the table. You may be telling Florida it's \$47.00, you  
24 may be telling someone from Pennsylvania it's \$15.00.

25           So there are some legitimate concerns, you know,

1 reciprocity is not going to create significant revenues, on  
2 the one hand. It is a fairness issue with regards to what  
3 each state charges non-residents. On the other hand we're  
4 not trying to create a deterrence for fishing in Maryland.

5           So, there's a couple of options we're looking at.  
6 One would be simply to drop reciprocity for non-resident  
7 tidal licenses. It would be \$15.00 for annual, \$6.00 for non  
8 -- for a seven day license.

9           The other option, which seems to be preferred, by  
10 some of the spokespersons down on the coastal bays, is just  
11 to establish a fixed non-resident fee. That is slightly  
12 higher than the resident. And involved 30 percent however,  
13 which is kind of the rate for -- non-tidal residents minus  
14 the reciprocity part of it. So, perhaps like something in  
15 the neighborhood of \$22.00 for a non-resident tidal or a  
16 \$9.00 for a seven day non-resident.

17           We're going to be working through those issues in  
18 the weeks ahead of us.

19           MR. GRACIE: There's no bill in yet?

20           MR. O'CONNELL: Yes, there is. House Bill 1345.  
21 There also may -- there also has been some concerns -- there  
22 has been less vocal but could develop with the trout stamp.  
23 Prior to the -- currently the trout stamp is \$5.00, whether  
24 you are a resident or non-resident. The current bill would  
25 be \$5.00 or reciprocity, what your state would charge

1 Maryland resident for fishing for trout.

2           There is some concern out in Western Maryland, that  
3 in certain states for example, like in Virginia, which has  
4 high non-resident trout stamp fees, it could be a deterrent  
5 to business and could impact, you know, guides and tackle  
6 shops. So we're keeping an eye on that one. And that may be  
7 another issue that we have to discuss further.

8           MR. COSDEN: \$36.00 for Virginia. Trout stamps,  
9 that's what they charge in Virginia.

10           MR. GRACIE: Why don't we talk to them and get them  
11 to lower theirs.

12           MR. COSDEN: That would be nice.

13           MR. GRACIE: It gets silly, you know. They're  
14 shooting themselves in the foot.

15           MR. O'CONNELL: Yes.

16           MR. GARY: That was Don Cosden our Assistant  
17 Director. Don.

18           MR. O'CONNELL: And then lastly which there is a  
19 bill -- Conservation Law Enforcement Act, it's intended to  
20 highlight the importance of enforcing public trust resources.  
21 And tries to create some creative new ways of utilizing the  
22 existing funding sources to support Natural Resources  
23 enforcement.

24           I don't know, Jim, if you want add any more --

25           MR. GRACIE: As of now, there are no fees attached

1 to the bill. We had hoped to come up with three sources of,  
2 potential sources of revenue, and the leadership in the  
3 Senate said no.

4 So, the bill increases penalties. It also -- one  
5 of the interesting penalties is putting -- vehicle monitoring  
6 system, is that what it is, as a condition of probation on  
7 anybody who violates oyster laws. So that you know where  
8 they are day and night. And that's recorded.

9 Increases the maximum penalty for -- illegally  
10 harvesting oysters to \$10,000.00, \$2,500.00 for one  
11 violation. If you are -- are in the sanctuary or doing  
12 something like that.

13 The other issue was -- drawing a blank here.  
14 Somebody help me out. No body was here during that  
15 discussion. Oh.

16 MR. O'CONNELL: Jim, canoes.

17 MR. GRACIE: I am sorry.

18 MR. O'CONNELL: Canoes. Was that the ---?

19 MR. GRACIE: No. No. There is one other penalty  
20 measure and for some reason escaped my mind. I think the  
21 bill -- and I didn't write it down. I just saw an e-mail  
22 from Miles and I think it was 653. But I may not have it  
23 right, so --

24 MR. O'CONNELL: We can follow up tomorrow --

25 MR. GRACIE: Yes.



1           MR. O'CONNELL: And send it out. And the one I did  
2 not mention, Senate Bill 342 is the last one on this list  
3 here. On that is Senator Frosh's bill. Which would, for  
4 certain oyster violations for example, oystering in a closed  
5 or prohibited area, using illegal gear, harvesting oysters  
6 outside of legal time, would require the Department to revoke  
7 the license. I mentioned earlier it would be suspend or  
8 revoke. It is actually revoke the license through a  
9 contested case hearing.

10           MR. GRACIE: I am sorry. I remember the other  
11 provision in the bill. It allows the Department the right to  
12 inspect -- to carry the oyster tagging program to the retail  
13 level. Right now it's only at the wholesale level. So, you  
14 know, these guys are going out at night and giving them to  
15 retailers. And there is no way to track that. So that was  
16 the other one.

17                           *Questions and Answers*

18           MR. GRACIE: I have a question about House Bill 89.

19           MR. O'CONNELL: Yes.

20           MR. GRACIE: Acquaculture.

21           MR. O'CONNELL: Yes.

22           MR. GRACIE: There is a way of premium fees. It  
23 says that it will exempt them from the fees. It doesn't  
24 exempt them from the permits, does it?

25           MR. O'CONNELL: No.

1 MR. GRACIE: Okay. You just finished talked about  
2 the --

3 MR. O'CONNELL: There were concerns with the  
4 application fees for NDE for aquaculture for, could range  
5 into thousands of dollars and there were concerns of that to  
6 be determined. So this bill, I think through an amendment,  
7 would waive that fee for a period of time, perhaps three  
8 years. And then it would go back to the aquaculture  
9 coordinating council for review to determine if those fees  
10 should be reinstated.

11 MR. GRACIE: Thank you. Dave.

12 MR. D. SMITH: Hey, Tom. The catch-and-release on  
13 the first page of striped bass, is that an error the last  
14 regulation on the monitor?

15 MR. O'CONNELL: Yes. Yes. There is no prohibition  
16 during the week on Monday, Wednesday and Friday.

17 MR. D. SMITH: Okay. Thanks.

18 MR. KEEHN: And Marty, if you can make sure we  
19 clarify that on the web page, with this handout.

20 MR. GARY: It is clarified on the web page.

21 MR. O'CONNELL: Okay. Thanks, Dave. We're just  
22 trying to sneak --

23 (Laughter)

24 MR. KEEHN: That's what I figured you guys were  
25 trying to do. And that's fine.

1 MR. O'CONNELL: Testing you, Dave. Testing you.

2 MR. KEEHN: Yes, Yes.

3 MR. GRACIE: You thought you would pull a fast one  
4 on John.

5 (Laughter)

6 MR. O'CONNELL: Any other questions?

7 MR. GRACIE: Anything else?

8 MR. O'CONNELL: I believe there's a couple more  
9 issues, that are coming in, that have been filed by ---

10 MR. GRACIE: Non-friendly?

11 (Off mike)

12 MR. : One is a --- for Kent County ---.

13 This was introduced on Friday. Like a person may possess up  
14 to five percent of the total catch, is undersized fish. So  
15 there are two ---.

16 MR. GRACIE: There is a reaction, there is a huge  
17 reaction from the watermen to what's going on there. Thank  
18 you, Tom. Anything else? Okay. Inland Fisheries updated.  
19 Don. Don, if you don't mind, can you come over here to this  
20 microphone.

21 ***Inland Fisheries Update***

22 ***by Don Cosden, MD DNR Fisheries Service***

23 MR. COSDEN: Don Cosden, by the way. Okay. You  
24 guys might have seen the announcement with the meeting  
25 announcement that we were holding a tidal management

1 roundtable today. We held a meeting from two to three, or  
2 two to five, I am sorry, Roger was there. And it was pretty  
3 well attended. I was pretty, pretty happy with folks  
4 participating. We had folks from Delaware talk about the  
5 Nanticoke River and their program.

6 Put this information on our web site. There is a  
7 tidal large mouth bass page on the web site that really has  
8 a lot of new information on it. Our Tidal Bass Manager,  
9 Joe Lutz is doing a great job. So -- we may even have the  
10 MP3 audio file for the entire three hours if anybody is  
11 interested. Real quick --

12 MR. GRACIE: Did you put it on You Tube?

13 MR. COSDEN: It maybe You Tube. We didn't video.  
14 The monthly report, I don't know if we got that out. I was  
15 hoping to get that out to you guys earlier. Typically it's  
16 -- we get it just in time for me to take a look at it. It  
17 has to be written by our manager and then it gets all  
18 compiled and gets sent to me.

19 And I finally got it out to you guys. I will try  
20 and get it e-mailed out earlier if we can move up the process  
21 a little bit. It doesn't have to be at the end of the month.  
22 But if you guys look it through and you think it's -- you  
23 think it's worthwhile, we'll continue to do this.

24 I am just going to hit a couple of highlights from  
25 this -- this report. And you can look at the rest. And if

1 you see something or have questions about, just let me know.

2           Number one on the list unfortunately is the Savage  
3 River Reservoir, you guys have heard me talk about this for  
4 the last year probably. And they finally brought that  
5 reservoir all the way down to repair the gates at the end of  
6 January. As anticipated we had some real sediment issues.  
7 Only probably more then we had anticipated. Conditions were  
8 much worse during the draw-down.

9           And actually I have a couple of -- Marty, can you  
10 give me your desktop for a minute there. I have a couple of  
11 photos, just going to run through them real quick for you.  
12 If you go to that one right there. I think that's it. Yes.

13           (Slide)

14           These are from the engineers doing the project.  
15 They're replacing the flood gates out there. And just go  
16 ahead and run through these pictures.

17           (Slide)

18           This is the dam right here. This is the river  
19 coming down and the intake it right over there. And you can  
20 see this huge amount of sediment right here well -- a fair  
21 amount of that apparently is sloughed off and is run down  
22 stream. Go ahead, Marty.

23           (Slide)

24           Another shot of it. Go on through.

25           (Slide)

1           That is the intake. That's where all the action  
2 is. And you can see -- we sent out a report on this with  
3 some pictures of the stream, but this is why the stream is  
4 looking the way it does right now. Okay.

5           (Slide)

6           All right. Keep on cycling them through and see  
7 what else they have there. Go on up.

8           (Slide)

9           This is actually the -- this is the broken gate.  
10 Go down one more.

11          (Slide)

12          And that was the stem. That was the cause of the  
13 problem. There's four gates there. This one was a backup  
14 emergency gate. And two years ago, they test these gates  
15 annually, and that thing just -- broke in half. They had no  
16 use of it. And so if the other gate went they would have no  
17 way to pass half of the water discharged through the  
18 facility.

19          MR. GRACIE: Because it couldn't open, right?

20          MR. COSDEN: Yes.

21          MR. GRACIE: It was closed --

22          MR. COSDEN: I can't say that that's the truth. I  
23 don't know for sure.

24          MR. GRACIE: I thought that's what it was.

25          MR. COSDEN: But at any rate, they have one gate in

1 as of Friday. Once they get the second upper gate in they  
2 can control the water. They can actually -- they say the  
3 will start to refill the reservoir.

4 Now, I don't think they'll go above a certain level  
5 because they still have to work in the tunnel to get the  
6 other two gates in. But they can potentially hold back any  
7 more sediment and -- and there's -- as you can see in that  
8 picture, plenty of sediment left in the lake. And there's  
9 about six inches of precipitation in the snow pack as of last  
10 Tuesday up in the drainage so --

11 MR. GRACIE: That's six inches of water -- no,  
12 snow.

13 MR. COSDEN: Yes, six inches of rain in the snow  
14 pack that -- could be just another devastating shot. With  
15 the contractors working seven days a week, double shifts.  
16 They recognize the situation. Not only a danger, a flood  
17 danger, not being able to control that flow down stream, but  
18 the sediment. And also the loss of that precipitation. You  
19 know, when they go to refill the reservoir in March they  
20 would like to be able to catch that precipitation as it comes  
21 down. We have our fingers crossed.

22 Right now, I won't go into what we're thinking of  
23 as far as where we're going to go with restoration efforts,  
24 but as soon as -- as soon as conditions permit we'll be doing  
25 some assessment of fish populations. We'll be taking a look

1 at the benthics, all the bugs. We sampled there last year so  
2 we have a real good snapshot of what was there before all  
3 this happened.

4 And just some habitat assessments with -- what the  
5 load is. We're hoping that a large discharge from the dam,  
6 once we get that thing filled, is going to flush a lot of the  
7 fine sediments out. But -- in the larger pools, it's a --  
8 quite a load apparently. So --

9 Moving on. Monthly report, there was a mention of  
10 regulation to target didymo. And it's hard to regulate  
11 didymo, which is just a microscopic organism that's an  
12 evasive sort of situation. But what they're looking at is  
13 eventually limiting the use or eliminating the use of ---.  
14 We're looking at probably grandfathering this in over a year  
15 or two. But a -- that's what -- eventually that will be the  
16 tact that we will take.

17 I would say that in the light of the sediment load  
18 that we're seeing in the Savage, the fact that we have  
19 whirling disease, right around the corner in the north  
20 branch, keeping the clean -- keeping clean gear may be more  
21 important then ever. Because we're going to have the perfect  
22 habitat for that Tubifex worm, which is the intermediate host  
23 for whirling disease. So this is not only a didymo  
24 deterrent, but it's something that might help prevent the  
25 spread of whirling disease.



1           MR. COBURN: Are you talking about making law? Of  
2 using a no felt soles ---?

3           MR. COSDEN: Down the road, that's what we're  
4 looking at, yes.

5           MR. COBURN: And you're looking at about a two  
6 year --

7           MR. COSDEN: I don't know what the time frame is.  
8 First we need to decide how they're going to go about it,  
9 whether they're going to add this to the list of injurious  
10 species, I think it's called. And then we can regulate that  
11 way. But we could probably do it by regulation, it wouldn't  
12 have to be legislation. So that would --

13                   (Off mike)

14           MR.               : So the grandfather phase in period  
15 is that the whole ---.

16           MR. COSDEN: The phase in period -- yes, so that  
17 people get rid of felt soles because just bought boots he  
18 doesn't have to chuck them immediately. Certainly we're  
19 probably --

20           MR.               : Yes, he does.

21           MR. COSDEN: Well, we're probably --

22                   (Laughter)

23           MR. GRACIE: What are you going to do with all  
24 those felt soles you have in the shop.

25           MR. COSDEN: We'll figure something out. No, as

1 soon as we're sure that we're going this way --

2 MR. GRACIE: It's a national change.

3 MR. COSDEN: I think we'll just -- we'll get the  
4 word out ahead of time so people if they're looking to buying  
5 new boots, they aren't going to buy felts and then -- and  
6 we're going to change the reg next year.

7 Another thing that's one there, monthly report that  
8 might be of interest to you. We had a project going with the  
9 Maryland Department of the Environment to look at the stream  
10 use classifications right now. They did a -- they do a  
11 review periodically.

12 And the fact that we now have a database manager  
13 who has developed a good set of maps from the MDE database  
14 for us, and I want to thank everybody on the task force who  
15 helped to work through that whole process and support the  
16 idea of us getting that kind of help, has really helped us  
17 out.

18 We created a set of maps which immediately we  
19 recognized a couple of areas that sort of fell through the  
20 cracks within the -- and we'll be able to get better  
21 projections on those streams. And we're doing them a -- a  
22 larger -- discussion with MDE about getting some sort of  
23 Class IV protections which are higher than the average stream  
24 gets.

25 Right now they only do Class IV for stock

1 transferrings. Which aren't wild transferrings. And we've  
2 made the case that we don't necessarily want to stock a  
3 stream that has better water quality in order to give it a  
4 higher level of protection. We can't stock all steams. We  
5 don't have enough trout. Some streams are posted, we're not  
6 going to stock them. But they still deserve that level of  
7 protection. So, the discussion is there some sort of extra  
8 Class IV that we could use.

9           Finally in the monthly report it mentions guys that  
10 did a lot of work at the end of the season to discuss a lot  
11 of the waters that we have for fishing. And this is all in  
12 what they called the Year End Review. It's on our web site.  
13 They did it at the end of every season when the weekly  
14 fishing reports stop. And I've gotten a lot of good comments  
15 about the information that is there. And I recommend all you  
16 guys take a look at that.

17           It really is a compilation of some survey  
18 information and just general information about all these  
19 areas that biologists have been working in. Might give you  
20 some hot tips for fishing next year.

21           The next thing I have -- we have put together set  
22 of draft regulations or possible draft proposals. Our public  
23 meetings typically start in early April. We have five public  
24 meetings across the state where we bring these proposals to  
25 the public and talk about them. You guys a lot of those.

1 Look them through, I am not going to go through all of them  
2 but the ones that may be of the biggest interest.

3 Catoctin Creek delayed harvest area, I talked about  
4 a while back. Said that I thought we may have to get rid of  
5 that area because of private property and the town -- and  
6 this is in a town park. It's an area that -- the town is  
7 really high on having us continue to stock and so we've  
8 reached an agreement. They're going to post. And try and  
9 patrol for the private property violations, which means that  
10 the anglers have to stay on the bank, on the park side, on  
11 the right side of the stream.

12 And hopefully we can work an arrangement with NRP  
13 to keep their eye on that, too. We don't want -- apparently  
14 someone camped on this fellow's property last year. And  
15 they've routinely go over there and tramp up and down his  
16 banks. And a -- we just need to keep -- have people respect  
17 people's private property if we're going to keep an area like  
18 this open. So -- but we do -- we will continue to stock this  
19 and keep it under late harvest.

20 We're going to also look at removing any closures  
21 on impoundments that have warm water species. And we do  
22 close some areas for trout stocking and although we've taken  
23 a lot of the impoundments off of the list, there are still  
24 some that get closed for a week, two weeks, or three weeks,  
25 right in the early spring for trout stocking. If the weather

1 is nice, people might want to fish. And it just doesn't make  
2 sense to keep people out of an area because we may be  
3 stocking trout there next week.

4 So, we're going to open those up. It means some of  
5 the folks might follow the truck right to the lake, but  
6 that's not too big an issue. We basically put a big tube out  
7 and shoot those fish right out into the center of the lake  
8 anyhow, at least they're not dipping them out of the lake  
9 with a bucket.

10 Another -- we current have a regulation that says  
11 that you can only have two hooks per line. And we're  
12 proposing to increase that to three. The main reason for  
13 that is a lot of guys that fish, nymph rigs, double nymphs,  
14 and when we always used to use an indicator, a lot of guys  
15 are now going to like a floating hopper type of pattern, and  
16 on big waters that's a popular way to fish.

17 And I've -- I've often though, geez, I would like  
18 to be able to rig like that when I was on the water and  
19 couldn't. But we've also had some phone calls about it just  
20 in the last season. And I ran it by our managers and they  
21 didn't see any issues in increasing three hooks per line.

22 One biggy here, we're going to remove -- talking  
23 about removing the catch-and-release bass fishing designation  
24 on the lower part of the river there from -- basically from  
25 White's Ferry up -- it goes up into the Monocacy River. This

1 is something that's been in place for about 15 years. And  
2 we've looked at the data. We've looked at the data about  
3 three years ago when we looked at another special management  
4 area, there's no indication that there is any difference in  
5 populations between those two areas. The idea originally was  
6 we'll have more big fish if we're not killing fish, and  
7 keeping -- harvesting fish.

8 In the upper management area that we removed two  
9 years ago, there was no difference in populations between  
10 there and the rest of the river. We removed that population.  
11 We haven't seen a change. And what we heard in our -- in our  
12 people who did sort of a creel survey, basically asking  
13 questions three or four years ago, most of the bass anglers  
14 wouldn't keep a bass anyhow.

15 We had a maximum size limit there trying to reduce  
16 the number of small bass. Hoping people would actually keep  
17 some small bass. Most of the guys that really catch bass are  
18 good at it, won't keep them, period. So the regulation  
19 doesn't make any sense.

20 So, we will have a small data report on that for  
21 you guys, if you want to look at it, in the next meeting.

22 MR. GRACIE: Will you be prepared to present that  
23 at the hearing?

24 MR. COSDEN: Yes. We'll have that at all the  
25 meetings and we can bring that to you as well. I suspect

1 there will be some push-back on that. There are some clubs  
2 that really favor, you know, catch-and-release. And -- but  
3 the data just aren't supporting it right now. Yes, sir.

4 MR. H. SMITH: Just one question on the three hooks  
5 per line. This -- permit these treble hooks with power bait,  
6 which is something that I've seen often.

7 MR. COSDEN: Well, right now you could use a treble  
8 hook with a power bait if you wanted because a treble hook is  
9 actually considered a single hook.

10 MR. H. SMITH: It's a single hook.

11 MR. COSDEN: Yes. And in fact if you have a lure  
12 that has two treble hooks on it --

13 MR. H. SMITH: It's a single.

14 MR. COSDEN: -- that's considered a single unit. A  
15 single hook. So, if you wanted to fish three --- more power  
16 to you but.

17 (Laughter)

18 MR. GRACIE: You are going to spend a lot of time  
19 untangling the line. Not much time.

20 MR. H. SMITH: I called them ---.

21 MR. GRACIE: Now they're advertising rocket --  
22 it's like Target, shopping at Target.

23 MR. COSDEN: Also the opening day of -- the opening  
24 time for put and take trout fishing, there's a proposal to  
25 move that back from 5:30 to 6:30.

1 MR. GRACIE: Why?

2 MR. COSDEN: We had -- we had several questions  
3 about it, one of last year's meetings. And then a fellow who  
4 actually wrote into the Kenney, at the Baltimore Sun, in I  
5 think it's called "Ask a Biologist" piece that they have all  
6 the time. And they were contending that at 5:30 in the  
7 morning it's dark, you have to stumble down to the stream,  
8 and you're actually starting to fish in the dark. And  
9 although I didn't remember that being the case, with the  
10 change in Daylight Savings Time the first spring opening, it  
11 is pitch black dark apparently.

12 This fellow that talked to me, that had written  
13 into the Sun, said I had two kids, I am taking them down  
14 there, I am trying to teach them to fish. And I got a bunch  
15 of guys whizzing lines all over the place. And I got two  
16 kids throwing barbed hooks out here in the middle of the  
17 dark. We thought about it and felt like it would make it  
18 easier for enforcement as well if it was put back to where  
19 there was some kind of light. It's related -- it would make  
20 much difference later in the season when you get light  
21 earlier. But a --

22 MR. COBURN: You are going to get a letter now, on  
23 5:30, once you change the clock.

24 MR. GAINES: Just do it like they do hunting.  
25 Sunrise.



1 MR. COSDEN: Well, we --

2 MR. GAINES: At sunrise.

3 MR. COSDEN: Well, we discussed that. That's more  
4 of a moving target.

5 MR. GAINES: Listed in all the books.

6 MR. GRACIE: Fishermen aren't as smart as hunters,  
7 I guess. To keep track of sunrise and sunset.

8 MR. COSDEN: I didn't want to say that. Not  
9 implying that.

10 MR. GRACIE: It's true in some cases.

11 MR. GAINES: Because we might change Daylight  
12 Savings Time to save more money. You know, how the  
13 government does that, and you don't have the change the law  
14 every time.

15 MR. COSDEN: Well -- this is open for discussion.  
16 And we'll take it to the public so that we could get push-  
17 back from those guys that like to get there 5:00 quick and go  
18 home. All right.

19 I will let you guys go over the regulations there.  
20 And I will be prepared to answer questions at the next  
21 meeting. If we still have time. See, the public meetings  
22 are in April. So I can take your comments before we even go  
23 to the public meetings with them.

24 One thing that occurred to me, Office Albert was  
25 talking about the -- the big piles of yellow perch that --

1 that we saw pictures of previously up in Deep Creek Lake. We  
2 did have a ten fish creel limit go in effect this year, for  
3 the first time. And we got -- as much as we try and take  
4 this information to the public, let people know, come to our  
5 meetings, tell us what you think, you never find out what  
6 people think until afterwards.

7           And we had some pretty irate phone calls. But I do  
8 think that it was important to get that under control. That  
9 did occur, really large catches. And I had one fellow tell  
10 me, well, you know, I have caught 50 yellow perch before.  
11 And I can go right over to the Youghiogheny Reservoir and  
12 catch 50 and take them home.

13           But the population in Deep Creek Lake is really --  
14 it's a popular fish there and it's a draw for kids all summer  
15 long. You can catch yellow perch and pan fish when you can't  
16 catch anything else. It's just important to us to keep that  
17 population strong and not be over fishing. So --

18           Anyhow, just a couple more items. Officer Albert  
19 also mentioned about enforcement on the north branch. Right  
20 now -- they're not allowed to go into West Virginia to  
21 enforce the regulations on the north branch even though  
22 they're our regulations.

23           There is legislation in the works. It won't occur  
24 in this Session, but Delegate Beitzel has been talking with  
25 West Virginia and we're looking at legislation in both states

1 that would allow, NRP, Maryland NRP, to drive into an area  
2 like -- Barnum, where there is no -- virtually no access from  
3 the Maryland side. You have to get in a boat to actually  
4 patrol that area. And this would allow those fellows to  
5 drive over there and observe and write tickets. So,  
6 hopefully in the next Legislative Session that's going to  
7 happen.

8 And finally, we've also established an MOU with the  
9 two western regions of NRP to provide some additional funding  
10 for overtime. And the idea, we've given them a list of hot  
11 spots that we want to keep an eye on. But this is going to  
12 be more of a target thing, we're to meet, the regional  
13 managers are going to meet with the regional NRP officers and  
14 talk, you know, about what's happening, what I heard last  
15 week about poaching or whatever is going on. So, it's going  
16 to allow us to say we really need, you know, some extra eyes  
17 over here, can you guys get over there. It will be really  
18 helpful.

19 So, if you guys hear thing, you know, it doesn't  
20 always get reported to NRP, it doesn't always get reported to  
21 us, but you hear things, let us know, because our regional  
22 managers can go right to the NRP officers and say can you  
23 spend a couple of nights out here checking this place out.

24 MR. GRACIE: Who much money you talking about?

25 MR. COSDEN: \$50,000.00.

1 MR. GRACIE: Fifty.

2 MR. COSDEN: And that's all I have.

3 MR. GRACIE: Any questions?

4 MR. COSDEN: Any questions? Roger.

5 *Questions and Answers*

6 MR. TRAGESER: I don't have a question but I just  
7 wanted to bring this up while we got Don and his kind of  
8 department up. Apparently Salisbury has been awarded a  
9 \$100,000 grant from the Waterway Improvement Fund to remove  
10 some old barges up on the -- not prong of the Wicomico River.

11 And I talked to Don about this just briefly before  
12 we started. Now, it's not an area that is probably fished  
13 directly by a lot of bass fishermen, but it does provide  
14 habitat for spawning fish. And this -- report I have here,  
15 they're claiming that -- they find it necessary to pull these  
16 barges for navigation on the river and potential source of  
17 pollution in the river. I don't know if too many old barges  
18 that have been in the water for any length of time that all  
19 of a sudden start to develop pollution potential problems  
20 with them.

21 And from the navigation end, Don says that he  
22 thinks this area is back in a canal where there's not really  
23 any navigation going on anyway.

24 MR. GRACIE: It's upstream with the ponded areas,  
25 too, isn't it.

1 MR. COSDEN: No, it's below the pond.

2 MR. TRAGESER: No, it's below the pond.

3 MR. COSDEN: It's right where one of the main ponds  
4 comes in. And basically it ends right there. It's been  
5 channelized, it's all bulkheaded and it's all industrial area  
6 around there, anyhow.

7 MR. TRAGESER: So, I don't know what really what  
8 rules or regs or lack of rules and regs are in place where,  
9 you know, an area that we talk about, you know, habitat  
10 getting destroyed by means other than people, literally  
11 pulling it out -- you know, whether there is some regulations  
12 that can go into place or how is it -- how would it be deemed  
13 to be able to review something like this. It doesn't sound  
14 to me like these things really need to be pulled out for any  
15 potential navigation or pollution address.

16 MR. GRACIE: They have to get a permit to do it.

17 MR. COSDEN: They have to get a permit and it would  
18 be a public participation process in the permit.

19 You know, I think this was a case where the city  
20 came to DNR and they wanted to remove this. If we had been  
21 in the process earlier we might have brought up -- we would  
22 have brought up the fact that, well, this is a potential  
23 habitat. And my feeling is we just need to be more involved  
24 in -- I mean this is a part of what the Boating  
25 Administration does. They do remove hazards and stuff from

1 the water. But --

2 MR. GRACIE: Tom.

3 MR. COSDEN: Yes.

4 MR. O'CONNELL: After Don brought the issue to my  
5 attention I spoke to Bob Gaudette who is my counterpart in  
6 boating and just encouraged earlier communication on these  
7 types of removals with fisheries.

8 I guess my question is, Roger, is the concern that  
9 the removal will occur during the spawning period or is it  
10 kind of a longer lasting impact. Because my understanding at  
11 this point in time --

12 MR. TRAGESER: Well, I think it will be a longer  
13 lasting impact. If it's in an area that some or many  
14 consider to be, you know, beneficial to spawning year in and  
15 year out, and I don't know that you are going to do anything  
16 about it right now. It's been awarded. So if they hold off  
17 after the spawn, it's fine. But once it's gone any benefit  
18 that it had to that spawning area is gone as well. And I  
19 don't know whether it's going to, you know, stir up more  
20 sediment or anything for a while. Probably dissipate after a  
21 period but still.

22 MR. O'CONNELL: You know, through Don's involvement  
23 it is my understanding that they have agreed to not remove  
24 the barges until after the spawning season, so at least any  
25 short terms impacts this year should be mitigated. I will

1 just kind of figure out -- sort of longer term -- and some of  
2 the --

3 MR. TRAGESER: Probably longer term than anything  
4 else.

5 MR. O'CONNELL: Is it better to have those barges  
6 there then not to have them there, from ---, I guess.

7 MR. TRAGESER: I would think. It's covered --

8 MR. COSDEN: Typically --

9 MR. TRAGESER: -- protection. Absolutely.

10 MR. COSDEN: Yes. You know, that type of stuff is  
11 heavily used by fish like large mouth so -- that's why I  
12 would like to be in the process early on, so we can identify  
13 whether we think there would be some negative impacts from --  
14 removing, you know, old boats, barges and stuff.

15 These things -- you know, we put this stuff out in  
16 the Bay and call it habitat. So --

17 MR. GRACIE: Has this gone through Environmental  
18 Review yet? Is there a permit application?

19 MR. COSDEN: Well, apparently -- yes, they've been  
20 awarded a grant. Everything is a go. And they were going to  
21 start in the spring. They've agreed to hold off, wait until  
22 the end of the spawning period, until late June.

23 MR. GRACIE: You're saying as if the grant implies  
24 that they have a permit. It doesn't necessarily.

25 MR. COSDEN: Well, okay. We'll talk about it.

1 Okay.

2 (Off mike)

3 SERGEANT ALBERT: A followup to your question. In  
4 the search warrant they will --- trout.

5 MR. COSDEN: There are rainbow trout.

6 SERGEANT ALBERT: And I assume that there's stock  
7 trout.

8 MR. COSDEN: Yes, the --

9 SERGEANT ALBERT: --- to it.

10 MR. COSDEN: More then likely. We did some pre-  
11 season -- do you know when that occurred?

12 SERGEANT: A -- it was in December, early December.

13 MR. COSDEN: Early December. Okay.

14 MR. GRACIE: Any more questions? Thank you, Don.

15 Don, I like the monthly report. It would be great if we  
16 could get it a week before the meeting.

17 MR. COSDEN: Okay. We'll try and do that. Bump it  
18 up a little bit so that it doesn't have to be on the calendar  
19 period. We can make it fit to your schedule.

20 ***River Herring Management***

21 ***by Bob Sadzinski, MD DNR Fisheries Services***

22 MR. SADZINSKI: I am Bob Sadzinski, Maryland DNR  
23 Fisheries. I assume you are all can hear me back there. But  
24 I would like to introduce Tony Jarzynski, who heads up all  
25 the field work statewide. And we'll be talking about river



1 herring. And that's not it. Here you go. Tell them Bob  
2 said hi.

3 MR. GRACIE: This one here?

4 MR. SADZINSKI: Yes, probably. The next slide.

5 (Slide)

6 So this presentation will be defining the problem.  
7 You will see a bunch of data. Characterizing riverhead  
8 fishery and what the present management options are. This is  
9 going to be quick.

10 (Slide)

11 What the problem is. ASMFC has just passed  
12 Amendment II, we call it the River Head Amendment. So the  
13 Shad Amendment, which is Amendment III, is also just passed.  
14 So -- but with the passing of Amendment II, which addresses  
15 river herring problems throughout the East Coast, now we have  
16 the right of sustainability plan by -- or by basically have  
17 our fishery closed by 2012. Go ahead.

18 (Slide)

19 And we all asked -- what we call SF or SFP or what  
20 ever sustainable fisheries, is a fishery that could support a  
21 commercial or recreational fishery, did not --- potential  
22 future stock, reproduction and recruitment. So I didn't do  
23 that definition. That's a copy and paste from ASMFC. So --

24 (Slide)

25 The responsibility form the river herring

1 management in the state, that river herring are an integral  
2 part of the Chesapeake Bay. Presently an abundance in  
3 Maryland is that record low levels and you will see that in a  
4 minute because river herring are a --- species. They do not  
5 --- for river herring management in Maryland. Now are charge  
6 is to conserve, protect and enhance our State's fisheries  
7 resources.

8 (Slide)

9 But what we're hearing our collective name for  
10 ailwife and blueback and you will see a picture here of them  
11 side by side, those two species. Being --- they spend most  
12 of their life in the ocean. But they need fresh water in  
13 order to spawn, that's why they come back every spring.  
14 Typically we see them between two and five years old and they  
15 may spawn up to five times.

16 (Slide)

17 So, here they are. The top one is funny looking  
18 blueback up by the stream. So -- side by side you can  
19 actually tell the difference. Sometimes when you catch them  
20 in you net you look at and go, what is this thing. I mean is  
21 it a ailwife blueback. Usually the ailwife are on the  
22 bottom. A little bit wider. The cockles are a little bit  
23 wider, the eyes are a little bit bigger. But ID class is a  
24 different time so --

25 (Slide)

1           Here is a river herring. This is shad roe. I  
2 couldn't find herring, okay, I tried. So shad roe, but it  
3 still smells and pops just like the real stuff. But a -- it  
4 really a rule mark at the commercial fishery. They get about  
5 \$28.00 per gallon, and a bushel roughly is about \$9.00.  
6 Works out to be about twenty cents a pound, about 10 cents  
7 each roughly, the average market.

8           The live liner the other night said he gets about  
9 \$2.00 each for live river herring. And for the dead bodies  
10 they use all kinds of stuff, crab, pots and Omega 3 oils that  
11 we all really like as we get older.

12           (Slide)

13           Recreational river herring, called hook and line.  
14 Mostly is bycatchers. A few of us that target them, I used  
15 to target them with the maps, so you catch a few. Mostly you  
16 see them using dip nets, cast nets to catch them also. You  
17 pickle them, smoke them, fry them. So I use it for bait for  
18 catfish. But of course you always live line for striped  
19 bass.

20           (Slide)

21           Recreational regs. Pretty easy, hook and eyes, ---  
22 tidal, non-tidal, dip nets are a live non-tidal --- only and  
23 there are river specific regulations also, which I won't go  
24 into. This is just a couple of examples.

25           (Slide)

1           Commercial regs are pretty simple. It's open  
2 January through June. Generally there is no gear  
3 restrictions.

4           (Slide)

5           If you have questions as I am going through, I am  
6 going to get into a lot of data here all of a sudden so if  
7 you have questions. I am going to see -- the scale is in  
8 millions of pounds, that's 40 million pounds, 50 million, 60  
9 millions pounds, that's close by here in river herring  
10 landings.

11           Pretty significant in the old days. The old days  
12 weren't that long ago. The sixties, early seventies, 60,  
13 70 million pounds landed on average. Really there is a  
14 bycatch fishery that occurs out there. There was a trawl  
15 fishery, the Russian fleet went in there and caught a whole  
16 lot of fish. And that's a whole separate presentation, I  
17 have that.

18           But you can see basically this is all the trend.  
19 The trend goes down basically in 1972, 1974. Of course 1972  
20 was Agnes. Really has bottomed out. Has not come back  
21 since.

22           I should note that Tony and his crew really  
23 collected a lot of data. But we have only been collecting it  
24 probably since about 1980, so are already collecting it after  
25 this so-called crash has occurred. Go ahead.

1 (Slide)

2 As far as Maryland river herring landings, I know I  
3 am in your way the whole thing.

4 MR. GRACIE: That's fine.

5 MR. SADZINSKI: So a lifelong time series. It  
6 shows you the same trend as coast -- I mean -- caught six  
7 million pounds, eight million pounds there for a while. And  
8 then all of a sudden the bottom just dropped out. As I said  
9 a lot of our data, a lot of our data is really collected  
10 right here after the crash. So we have kind of contracted  
11 ages and like I said -- but I won't go into details and  
12 biological data.

13 (Slide)

14 So, what I did is I went to our database, and I  
15 started pulling out different things that might of interest.  
16 This particular graph shows the number of rivers reported by  
17 years. So in 1980 there was approximately 40 river systems  
18 that had reported river herring landings. So -- and so I  
19 tracked that over time for a year and you can see right now  
20 it averages right around 10 to 11. So basically there are  
21 fewer river herring and fewer river systems. That's what the  
22 graph is telling you.

23 (Slide)

24 Juvenile indices which do not track -- abundance,  
25 which I thought was kind of odd. But abundance was kind of

1 high in the fifties and sixties, but we still got -- we got  
2 the one spike the one year but in general we -- what the take  
3 away message, and this is for ailwife, is that we can still  
4 get a strong year classes even at these low abundances.

5 (Slide)

6 And here is the same graph for bluebacks. Which is  
7 the same thing. We even at the low abundance basically you  
8 will see every now and then we get a really strong year  
9 class. Basically saying it's environmentally driven now.  
10 If the conditions are just right, we get average flows, not  
11 low flows, not high flow, but decent flows. We have a  
12 potential of creating a strong year class.

13 (Slide)

14 And so then I started pulling about -- different  
15 gear types. The four major gear types used to catch river  
16 herring are cast nets, spike nets, pound nets, gill nets.  
17 And this is the number of watermen that report like using  
18 those types of years over 2006 to 2009. So it's the  
19 average.

20 So there are two people reporting from cast nets,  
21 four from spikes, nine from pound nets and 14 for gill.

22 MR. GRACIE: Are these targeted fisheries or are  
23 these bypass?

24 MR. SADZINSKI: This is everything. This is the  
25 whole database. So even if they only landed two pounds, it's

1 one. I count them as one.

2 MR. GRACIE: Were they are fishing for river  
3 herring, or were they fishing for something else in that?

4 MR. SADZINSKI: We'll get to that, yes. It's hard  
5 to tell from this database --

6 MR. GRACIE: I got you.

7 MR. SADZINSKI: You'll see in a minute. It becomes  
8 a little bit more obvious.

9 (Slide)

10 The average annual and commercial landings by gear  
11 types. And this now is looking at the different gear types  
12 in the average landings per year. So if you look at cast  
13 nets all of a sudden, they're landing just over about 15,000  
14 pounds per year. Yet, the other graph, there is only two  
15 people.

16 So then gill net, here's about 11,000 pounds per  
17 year. So, here between these two it averages 84 percent of  
18 landings come from cast nets or gill nets which list out,  
19 which I feel are targeted fishery.

20 Of course there are some overlaps, of course  
21 there's some guys fishing for white perch, two and a half to  
22 two and three quarters inch stretch mess. And you get part  
23 of the systems. They may be targeting white perch. I have  
24 spoke with a few of the guys and most of them are targeting  
25 -- the few I spoke to, especially on the Nanticoke are

1 targeting herring.

2 (Slide)

3 So, then I said okay, well, let's look at the  
4 landings divided by the number of watermen using that gear  
5 type. So I took the 15,000 pounds divided by the two people  
6 using cast nets, and average about 8,000 pounds. So then all  
7 of a sudden it becomes really obvious that the people using  
8 cast nets are really hammering the fish. And the other --  
9 this one -- surprising was this one here, per watermen, which  
10 I think there were 14 gill netters. Those hit the amount of  
11 pounds they land is not a whole lot.

12 (Slide)

13 So, then I kind of pulled up some river systems.  
14 This is the generally river systems landings. And if you  
15 look at the Northeast Susquehanna River, that's where most  
16 of the landings come from. Followed by the Nanticoke.  
17 Atlantic Ocean has trawl fisheries, small gear and ---  
18 fishery. So --

19 (Slide)

20 The cause of river herring declines, I mean direct  
21 harvest or course. Is that bycatch in the ocean and the Bay.  
22 Predation from either other fish, such as striped bass or  
23 water fowl, water quality, dam construction and habitat.

24 (Slide)

25 As far as the time line here in Maryland, DNR



1 decided upon a option, we write their SFP plan, it needs to  
2 be written by 1 July. Which is this year, 1 July. And then  
3 the regulation will take effect roughly in 2012.

4 (Slide)

5 Those states already have submitted a plan,  
6 including Maine, New Hampshire, D.C., North Carolina and  
7 South Carolina. And these are the options they presented.  
8 Basically they're all closing or reducing harvest.

9 (Slide)

10 And as far as the commercial options, these are the  
11 options that we have come up with to present. And this is  
12 what we would like to some feedback on now. As far as  
13 commercial options. There is a moratorium, which is  
14 basically the full closure of the fishery. There are two  
15 limited direct or limited bycatch. And these need to be  
16 approved by ASMFC.

17 So it's not a slam dunk which is important to know,  
18 that these plans have to go before ASMFC tech committee to be  
19 reviewed. I sit on that committee. We send out -- a nod or  
20 we actually review these plans. And then we pass it on to  
21 the board and the board makes the final decision.

22 (Slide)

23 And then the next slide is a recreational options,  
24 which are very similar to --- moratorium or some sort of  
25 limited harvest. Which includes three other, or limitations.

1           So, if you can go -- maybe just leave those last  
2 two slides up. So -- yes, go ahead.

3                           *Questions and Answers*

4           MR. O'CONNELL: I just wanted to add a little bit  
5 to Bob, as well -- you know, while typically we like to  
6 provide, you now, conservation equivalent options, like you  
7 can have these season size limits, you know, these -- this is  
8 a little bit different. You know, we have a very depleted  
9 resource and we have to come up with the plan that meets the  
10 sustainable fisheries requirements that demonstrates that  
11 even with the fishery occurring, the population will be  
12 allowed to grow and rebuild.

13           You know, moratorium in regards to the resources,  
14 that we would have to expend on this -- resource, would be  
15 the lowest. As we go in to try to allow -- directed or  
16 bycatch fisheries or commercial or -- our fisheries for  
17 recreational, it's going to require us to implement more  
18 expensive monitoring plans in order to satisfy the  
19 sustainable fisheries management plan requirement.

20           So, you know, there are trade offs with each and a  
21 -- you know, we're open to consider allowing a fishery to  
22 continue but recognize that it's going to take resources to  
23 demonstrate that to ASMFC if we're able to. It's going to be  
24 very difficult.

25           MR. H. SMITH: How many cast netters were --

1 MR. SADZINSKI: Two that reported to us.

2 MR. H. SMITH: Two.

3 MR. GAINES: Hey, Bob.

4 MR. SADZINSKI: Yes.

5 MR. GAINES: I didn't see what the estimated  
6 recreational harvest is.

7 MR. SADZINSKI: We don't have a good estimate at  
8 all.

9 MR. GAINES: We don't know?

10 MR. SADZINSKI: No. I mean I hear --

11 (All speaking at once)

12 MR. GAINES: The other side of the coin is, what is  
13 the impact of the state -- I know we have to ask MAFMC in  
14 doing this, but what is that value? If I look at it, there  
15 is only 29 people who are harvesting these fish. So if we  
16 say a total moratorium, that is only effecting 29 people.  
17 But what is the gain for the state?

18 MR. SADZINSKI: Two.

19 MR. GRACIE: It's two. Like Benjamin or --

20 MR. GAINES: So you are effectively really two but  
21 I said 29. So I mean what is the gain for the state if we  
22 have more river herring -- we make ASMFC happy, but what  
23 about the rest of the state. Does that mean the rockfish are  
24 better or does that mean something else happened, or is there  
25 some support there.

1 MR. SADZINSKI: Yes, in theory. Yes.

2 MR. H. SMITH: Well, I know what wave herring does.  
3 That whole fishery now is dependant upon the weigh faring.  
4 No herring, no fish. That is the fishery up there right now.  
5 When the wave herring comes through you have stripers on the  
6 flats. No herring, it's the Dead Sea.

7 MR. GAINES: Understood.

8 MR. O'BRIEN: Is this fishery upon the flat, is it  
9 -- is that the fishery that is basically used for bait?  
10 During the trophy season, catch-and-release season?

11 MR. SADZINSKI: That is correct. Yes.

12 Mr. O'BRIEN: Okay. Well, that answers that. Next  
13 question, did the Tidal Fish Commission take a stand on this  
14 issue?

15 MR. GARY: They created an action item, Ed, to  
16 come back to the March 23<sup>rd</sup> meeting of the Tidal Fish  
17 Commission, with a more detailed presentation by Bob on how  
18 this fishery closure allowance of a directed fishery would  
19 impact those participants. They also wanted more biological  
20 information.

21 MR. GRACIE: Dave.

22 MR. SADZINSKI: Yes, I have a few more slides.

23 MR. KEEHN: Not to interrupt, but all those slides  
24 he added, that was the information we are looking for.

25 MR. SADZINSKI: Yes, right. Plus I have biological

1 data, yes. That's the two hour presentation though, so --

2 MR. D. SMITH: We got a good idea of the total  
3 catch of Maryland, commercial and recreational. As far as --  
4 East Coast wide thing, if you put a moratorium on that, would  
5 that shift then the people targeting those to a different  
6 fishery, say Menhaden?

7 MR. SADZINSKI: Maybe, yes.

8 MR. D. SMITH: Okay. So then that --

9 MR. SADZINSKI: Well, total East Coast wise -- is  
10 about a million pounds per year now. Total state landings.

11 MR. D. SMITH: Okay. Okay.

12 MR. SADZINSKI: And that's actually -- it's  
13 actually dropped a little bit, it probably will be about  
14 700,000 pounds or, I am not sure.

15 MR. GRACIE: Tom. You had a comment?

16 MR. O'CONNELL: Something that, you know, we're  
17 trying to take into consideration, as well as other states,  
18 is that -- just maybe a couple of points. One is that  
19 outside of the upper Bay fishery, seems to be more direct.  
20 The other fisheries are more of a back-head fishery. And if  
21 you implement a harvest moratorium it's likely that they are  
22 going to bycatch mortality.

23 You know, in my mind, like what are the incentives  
24 that you can provide to try to keep people -- get people to  
25 minimize their bycatch. And there is really not at this

1 point in time.

2           So, you know, one of the arguments that people make  
3 is that, you know, if you are not going allow these fish to  
4 be caught, it's going to be a waste. In my view there is  
5 still a benefit from throwing those discards overboard,  
6 something is going to consume them. They're probably in the  
7 ecosystem. But, you know, it is an issue that should be  
8 taken into consideration as to whether or not that's a good  
9 end use of that products, since there is going to be  
10 mortality associated.

11           Another point is that, you know, as we look at a  
12 bycatch fishery or a directed fishery, the directed fishery  
13 is getting \$2.00 a piece, did I see.

14           MR. SADZINSKI: For live ones.

15           MR. O'CONNELL: And the bycatch is getting  
16 ten cents --

17           MR. SADZINSKI: Ten cents, yes.

18           MR. GRACIE: Ten cents.

19           MR. O'CONNELL: So you really got economic value if  
20 we're going to try and preserve one fishery and we may have  
21 some concerns about live lining with, you know, herring. But  
22 economically at least it's that fishery that provides more of  
23 an economic return then the bycatch fishery.

24           MR. SIKORSKI: So two people.

25           MR. SADZINSKI: Yes.

1           MR. GRACIE: I have a question. I don't see any  
2 data that says if we reduce our harvest to zero that's going  
3 to make a difference. I don't see any data that shows that  
4 our harvest is impacting the population. Am I correct?

5           MR. SADZINSKI: Yes, you're correct. But you need  
6 to remember we have a crew of one that does the research  
7 statewide. So we focus all our research into one river  
8 system.

9           MR. GRACIE: So we can't manage it on a mortality  
10 population basis because we don't have enough data?

11          MR. SADZINSKI: That's one problem.

12          MR. GRACIE: Yes.

13          MR. SADZINSKI: Correct. But it's important to  
14 note, we have talked -- the House directing that. But the  
15 fishery is here to spawn. And most of these fish are caught  
16 pre-spawn. You see very few down rivers caught. So you are  
17 catching the fish before they spawn, before they contribute.  
18 So if they continue this, we're right on the edge. I call it  
19 the threshold. Right on that threshold right now.

20          MR. GOLDSBOROUGH: Well, the stocks go wider, but  
21 historic low, right?

22          MR. SADZINSKI: Absolutely.

23          MR. GOLDSBOROUGH: And that's why ASMFC is doing  
24 that. There must be several hundred individual stream runs  
25 up and down the coast. There might be a handful out of one

1 here or there, that actually has enough left in it to be able  
2 to sustain some kind of fishery.

3 MR. SADZINSKI: Maine does.

4 Mr. GOLDSBOROUGH: And Maine does, yes. And so  
5 that is why I asked if ASMFC decided okay, an individual  
6 state that might have one of those kinds of runs, it's just  
7 going to be up to them to demonstrate through the technical  
8 command that that's their circumstance. And if they can't,  
9 will have to close it as part of that coast wide recovery  
10 program.

11 MR. GRACIE: Yes, I guess where my question is  
12 going is, what kind of information would we use to develop a  
13 sustainable fisheries management plan. I don't see how you  
14 can do that.

15 MR. SADZINSKI: Well, the examples -- the five or  
16 six states that have already written have based it on  
17 mortality rates, which we have probably one of the better  
18 databases on the East Coast.

19 MR. GRACIE: Oh, okay.

20 MR. SADZINSKI: Mortality, relative abundance,  
21 landings, jewel indicies. Which we probably have the best  
22 data sets on the East Coast.

23 MR. GRACIE: Okay. All right.

24 MR. O'CONNELL: Another part of the Commission's  
25 deliberation of this type of approach is -- there is a --



1 correct me if I am wrong, but there is a significant offshore  
2 bycatch fishery with river herring. And, you know, one of  
3 the strategies of --- Fisheries Commission taken this type of  
4 approach, whether or not that can be utilized as leverage to  
5 get the count and the federal management, the Fisheries  
6 Management Councils to address that problem.

7           When this Amendment was passed the Commissioners  
8 did send a letter to the National Fisheries Service asking  
9 them to implement by emergency action the monitoring  
10 programs. They have responded by saying they don't consider  
11 this situation an emergency. And not move as fast as the  
12 Commission would have hoped.

13           They are implementing expanded monitoring programs,  
14 but not as quickly as we had hoped. And the Commission will  
15 continue to put pressure on them. But the argument is why  
16 should we be shutting down our fisheries, just like maybe a  
17 commercial fisherman in my state or anybody's, why should we  
18 be shutting our fishery down while there are still catch,  
19 bycatching off shore. It is outside our jurisdiction, but  
20 we're trying -- who ever, have that approach.

21           MR. SIKORSKI: Basically what commercial --  
22 operation are you speaking about?

23           MR. O'CONNELL: In Maryland?

24           MR. SIKORSKI: Yes. Now the ones that account for  
25 all these bycatch off shore?

1 MR. O'CONNELL: Oh, there is the Atlantic herring,  
2 Bob?

3 MR. SADZINSKI: Yes, it's a big ---. It began back  
4 in about 1998, 1999. Also the trawls came in. They used  
5 these paired or single trawl fisheries. And the bycatch has  
6 been netting about a million pounds per year. But the  
7 problem is a million pounds out there is sub-adults. So  
8 even though here they have half-pound, there it could be  
9 quarter-pound or less. So the million pounds that we see is  
10 a half million fish, but a million pounds out there could be  
11 five million fish.

12 So, a lot of us have been pushing, look, you need  
13 to do something about this. So they're collecting more data.  
14 It's real sparse. When they hit them, they hit a lot.  
15 They're schooling species of course. So when you see one,  
16 you will see a thousand. So when you try and expand that you  
17 can't take one point estimate and multiply it by the number  
18 of trawlers, it just doesn't work.

19 MR. SIKORSKI: And they're targeting herring?

20 MR. SADZINSKI: Atlantic herring.

21 MR. SIKORSKI: Atlantic herring.

22 MR. SADZINSKI: Yes. Which stocks are stable, the  
23 latest assessment of that was.

24 MR. GOLDSBOROUGH: And plus in that scenario,  
25 aren't they mixed when they're off shore.

1 MR. SADZINSKI: Yes.

2 MR. GOLDSBOROUGH: So one run of the net could  
3 effectively wipe out the run -- the run from a particular  
4 stream.

5 MR. SADZINSKI: In theory. You're right.

6 MR. GOLDSBOROUGH: I mean so, they might seem  
7 abundant, you see a lot of them. But it could all that's  
8 left --

9 MR. SADZINSKI: Yes.

10 MR. GOLDSBOROUGH: -- over a particular run.

11 MR. SADZINSKI: Right.

12 MR. GRACIE: Does -- has the Department developed a  
13 preference, where they want to go yet, or --

14 MR. SADZINSKI: What do you mean --

15 MR. GRACIE: -- you have some options that you  
16 like.

17 MR. O'CONNELL: Well, I guess a couple of comments,  
18 I guess, is as I stated earlier, the moratorium requires the  
19 fewest resources to apply. Bob, correct me if I am wrong, I  
20 think we estimated the dockside value of the commercial  
21 fishery at about \$30,000.00?

22 MR. SADZINSKI: Correct.

23 MR. O'CONNELL: And, you know, if we had to go  
24 forward with the sustainable management plan we may have to  
25 implement requirements to have a permitting process, maybe

1 an establishment of an annual harvest target requiring  
2 monitoring. You know, our costs may be more significant  
3 then the dockside value unless we required those  
4 participating in the fishery to, you know, support the  
5 monitoring program.

6 So, you know, again, we're open to options  
7 recognizing that, you know, if we are going to have to take  
8 additional costs we may have to look at -- see if the  
9 industry is willing to support those additional costs.

10 MR. GRACIE: I am going to come back to Ed  
11 O'Brien's question about, what the Tidal Fish Commission's  
12 responses is, and you've agreed to make another presentation  
13 to them?

14 MR. SADZINSKI: Correct.

15 MR. GRACIE: I don't know how the Commissioners  
16 feel, but do we want and wait and see that? Do you want to  
17 get some input for your constitutes, quota groups, before we  
18 decide? What's the timing on this? Tom.

19 MR. O'CONNELL: Well, obviously if it was a  
20 moratorium you could let us know probably on June 30.

21 MR. GRACIE: Well, it's a little bit late to  
22 develop the --

23 MR. O'CONNELL: Well, I would think that --

24 MR. SADZINSKI: Well, this doesn't mean that I  
25 could write it in 12 hours.

1           MR. O'CONNELL: In regards to looking at a  
2 sustainable fisheries plan, I think we would be happy if we  
3 could resolve some recommendations by the March meeting.  
4 And that would give us a few months to put something  
5 together.

6           MR. COBURN: If there's a moratorium, is a time  
7 line on it, or is it indefinite. Until other ---.

8           MR. O'CONNELL: I think it would be dependant upon  
9 future stock assessments to demonstrate recovery and --

10          MR. COBURN: So it would be a five, six, seven,  
11 eight year moratorium? Which is fine. I mean I am in  
12 agreement with that, but I am just curious.

13          MR. SADZINSKI: You should know that ASMFC has  
14 gone through river herring assessment right now. There is a  
15 group by --- sub committee for river herring. And our time  
16 line is 2014 to have that assessment done. We did present  
17 some familiar data to the board, while Amendment II was  
18 going through Amendment II kind of speed write through the  
19 board, which is kind of a miracle in itself, that it passes  
20 as is.

21               But five states have already closed their directed  
22 river herring fisheries, and we suspect more will.

23          MR. GRACIE: Does that mean that at the very least  
24 if we decide on a moratorium it will be a four year periods,  
25 through 2014?

1 MR. SADZINSKI: No.

2 MR. GRACIE: No.

3 MR. SADZINSKI: I think it calls for an annual  
4 review. You could actually submit --

5 MR. GRACIE: Oh, okay.

6 MR. SADZINSKI: -- every July we submit our  
7 compliance report to ASMFC. And in that compliance report we  
8 can request that a fishery or limited fishery be open or  
9 actually to close it. We make changes basically, whatever we  
10 recommend.

11 MR. GRACIE: Commissioners, any -- everybody  
12 satisfied with waiting until next month. Does somebody want  
13 to make a motion. Richie.

14 MR. GAINES: No motion, but just want to make a  
15 comment. If we don't do something to recover the herring on  
16 the flats, the stripe bass fishery will go away and there  
17 won't be a market for that \$2.00 per fish fee.

18 MR. GRACIE: Ed.

19 MR. O'BRIEN: And I think that's the issue. More  
20 then the value of the catch itself, compared to DNR costs. I  
21 mean I recognize it's important, you know, your budget, but  
22 if this really is an important fishery, such as striped bass,  
23 you know, that value has to be somehow recognized.

24 MR. GAINES: Well, the worst day on --- flats -- if  
25 you are trying to catch striped bass. Everyday.

1 MR. GRACIE: Right. Brian, you had a comment.

2 MR. KEEHN: Yes. I believe I made the motion of  
3 tidal fish, strictly from the standpoint that when Bob  
4 presented it, he didn't have the number of how many people  
5 benefit from the fishery. And the only I will say is that if  
6 I had known how few people participated and really basically  
7 two people are catching the -- the big percentage, I would  
8 have voted -- I wouldn't have even done the wait and see with  
9 that data I see there. It's a nominal -- it's a small impact  
10 that bares more people, but the return is great, as Richie  
11 said, if those herrings are not on the flat, then the bass  
12 aren't on the flat. So --

13 But at the time that I made the motion, I wasn't  
14 sure if we were effecting hundreds of people, you know,  
15 that's the reason I made the motion. Just to let everybody  
16 know.

17 MR. GRACIE: Tom O'Connell and Bill Goldsborough.

18 MR. O'CONNELL: Just to put it in the clear  
19 prospective, Bob, you want to show the average harvest per  
20 individual. That the gill net was 2,000 pounds.

21 MR. SADZINSKI: Roughly, yes.

22 MR. O'CONNELL: At 10 cents a piece, that's \$200.00  
23 a year.

24 MR. GRACIE: Bill.

25 MR. GOLDSBOROUGH: These -- those additional

1 slides, Bob, is that -- does that constitute where you are  
2 going to take the tidal fish down or is there more working  
3 there?

4 MR. SADZINSKI: There is more.

5 MR. GOLDSBOROUGH: Okay.

6 MR. SADZINSKI: I have 59 slides I brought. You  
7 saw what, 14. I can -- I mean I have a lot of biological  
8 data. I have infrastructure, I have mortality rates, I have  
9 relative abundance indices, I have more pie charts. I mean  
10 there is a whole bunch of stuff, yes.

11 MR. GRACIE: We're not going to do that tonight.

12 MR. SADZINSKI: No. No. I won't torture you. But  
13 there's something in particular --

14 MR. GRACIE: And then we're out of time on this for  
15 the agenda. Does somebody -- does a Commissioner want to  
16 make a motion on this?

17 **MOTION**

18 MR. COBURN: I make a motion, put a moratorium on  
19 it.

20 MR. GRACIE: Larry. We have a motion for a  
21 moratorium. To recommend a moratorium.

22 MR. GRACIE: Seconded by Herb.

23 MR. H. SMITH: Seconded by Herb Smith.

24 MR. GRACIE: Yes. All right. Discussion of the  
25 motion. Commissioners only for now. The public will get a



1 chance to speak before we vote. Any discussion?

2 (No response)

3 MR. GRACIE: Any comments from the public?

4 (No response)

5 MR. GRACIE: I will call a motion then. All in  
6 favor say yea.

7 MR. GARY: Show of hands.

8 (Chorus of "ayes")

9 MR. GRACIE: Show of hands.

10 (Hands shown)

11 MR. GRACIE: Opposed? Any abstentions?

12 (No response)

13 MR. GRACIE: Unanimous.

14 MR. GARY: Pass is 10/0.

15 MR. GRACIE: 10/0. Thank you. Thanks, Bob.

16 Summer flounder, who is --

17 ***Summer Flounder Management***

18 ***by Carrie Kennedy, MD DNR Fisheries Services***

19 MS. KENNEDY: Carrie Kennedy. I am a Coastal  
20 Fisheries Program Manager for those of you who don't know me.  
21 I have been working with the commercial striped bass fishery,  
22 administrating that fishery. But about a year ago, I moved  
23 over to the coast and that means that I get to wear the  
24 summer flounder hat.

25 (Slide)

1           So I just have four brief slides that I want to go  
2 through today. But what I want to hear from you guys tonight  
3 is what your preferred option is for our summer flounder  
4 regulations for 2010. Marty, if you could go to the next  
5 slide.

6           (Slide)

7           I just want to give you guys a little background.  
8 We do have to take reductions in 2010 from what we had in  
9 2009. That reduction is 23.6 percent.

10          Now, just a tiny little bit of background  
11 information, is that waves five and six so -- October --  
12 September through December for the entire coast are not  
13 currently available. For summer flounder we add two weeks in  
14 September, that was still open, that is not available as part  
15 of our harvest estimate for 2009.

16          So what all states had to do as per the Atlantic  
17 States Marine Fisheries Commission, Technical Committee, was  
18 project what their harvest would have been based on what was  
19 harvested in 2008. So, we had our harvest through the end of  
20 August, and then we figured out what we harvested in 2008 in  
21 a daily basis, in September and then we applied to daily rate  
22 for those two weeks in September and that's how we came up to  
23 23.6 percent.

24          It's not ideal. But we still do not have wave  
25 five and six data. If those wave five and six data come in,

1 they will likely be so suspect as the Technical Committee  
2 would not want to use them at all. And the reason why  
3 they're suspect for waves five and six is that they only got  
4 60 percent of their phone calls, of their target number of  
5 phone calls that was to be --

6 MR. GRACIE: I have a question. Maybe I am the  
7 only one that doesn't understand the term you're using,  
8 waves --

9 MS. KENNEDY: Okay.

10 MR. GRACIE: -- five and six.

11 MS. KENNEDY: Okay.

12 MR. GRACIE: Tell us what waves mean.

13 MS. KENNEDY: Again, wave is a two month period.  
14 And when I am saying wave five and six I mean September  
15 through December.

16 MR. GRACIE: Okay.

17 MS. KENNEDY: So wave five is September and  
18 October, wave six is November and December. And it's MRFSS  
19 sampling time frame.

20 MR. GRACIE: Thank you.

21 MS. KENNEDY: So MRFSS did not -- they only got  
22 about 60 percent of their phone calls for September through  
23 December. Which is why we have to use a projection. That  
24 projection leads us to 23.6 percent of a reduction for 2010.

25 The good news is that our target number of fish is

1 up in 2010. It was 61,000 pounds in 2009. We went up to  
2 75,000 pounds, or 75,000 fish, sorry, not pounds, numbers of  
3 fish.

4 MR. GRACIE: That's with the reduction?

5 MS. KENNEDY: That's with the reduction. So --

6 MR. GRACIE: After the reduction you were allowed  
7 75,000 fish.

8 MS. KENNEDY: Sorry. This is -- 75,000 fish is the  
9 beginning, but because we harvested 89,000 fish or something  
10 like that in 2009, to get down to 75,000 fish, we have to  
11 harvest 23 percent, well, 23.6 percent less than we did. We  
12 don't take it off the 75,000, we just have to cut how many  
13 fish we harvest to get to 75,000. So --

14 MR. SIKORSKI: They take last year's harvest.

15 MR. GRACIE: I don't understand.

16 MR. SIKORSKI: They take --

17 MR. GRACIE: I am lost.

18 MR. GARY: They take last years harvest.

19 MR. SIKORSKI: They take last years take.

20 MS. KENNEDY: Right.

21 MR. SIKORSKI: And reduce it by 23.6 and they end  
22 up with 75,000.

23 MS. KENNEDY: Right.

24 MR. GAINES: But it says 61,000 in 2009.

25 MS. KENNEDY: Right.

1 MR. SIKORSKI: That was the target.

2 MR. GAINES: Oh, that was the target.

3 MS. KENNEDY: That's what our target --

4 MR. GAINES: Oh, okay. Got you.

5 (Simultaneous discussion.)

6 MS. KENNEDY: And again, you know, let me point out  
7 that what we get from our harvest estimates and while we  
8 certainly have concerns about what our harvest estimates are,  
9 it is the process that we have, it is -- they are the best  
10 available data.

11 So, you have to take this reduction in 2010. We  
12 will be -- that means we're going to be increasing the size  
13 limit for 2010. But because we're increasing the size limit,  
14 we're going to be able to increase the season and increase  
15 the number of dates. So if you could go to the next slide.

16 (Slide)

17 MR. GRACIE: Did you have a question, Ed?

18 MR. O'BRIEN: I just wondered if going in for  
19 everybody here might be good to mention the size limits  
20 first.

21 MS. KENNEDY: What -- I would like to actually get  
22 to my next point and then we get to the size limits and we're  
23 done.

24 So, typically, since 2005, we have submitted the  
25 option to Atlantic States Marine Fisheries Commission for a

1 split season. So the Chesapeake Bay was 16.5 inches, one  
2 fish, and the Coastal Bays was 18 inches, three fish. That  
3 was for 2008. But each year since 2005, we've had that  
4 split.

5 (Slide)

6 So, again, this year we propose that split along  
7 with some other minimum state sizes, statewide. And Atlantic  
8 States Marine Fisheries Commission, the Board, did not  
9 approve that split. Now, the Technical Committee reviewed  
10 our option first and recommended to the Board not to approve  
11 that split option.

12 So specifically what the Technical Committee said  
13 was that they do not approve the adoption of Option I, which  
14 was again was the split area size limits because the sample  
15 sizes and data available are insufficient to evaluate  
16 regulations with area splits.

17 So, based on the way that MRFSS does it's sampling,  
18 we can't evaluate how effective our regulations are with that  
19 split. So --

20 MR. GRACIE: Does that mean that if you lump it all  
21 together you got a bigger number so you have a better  
22 estimate.

23 MS. KENNEDY: That's what it means. So they did  
24 not approve that. What that leads us to is that -- this year  
25 there will be one minimum state size for summer flounder.

1 That's what we're going to get to next. That's what I need  
2 your input on.

3 MR. O'CONNELL: Hey, Carrie.

4 MS. KENNEDY: Yes.

5 MR. O'CONNELL: May I missed it, but did you  
6 clarify the last point.

7 MS. KENNEDY: No, I didn't, actually if you could  
8 go back. And the last point and part of the reason why ASMFC  
9 did not approve our option with split minimum size is that  
10 since 2007, for the last three years, we have failed to meet  
11 or stay below our summer flounder target, based on those  
12 harvest estimates.

13 So, we have these regulations, we institute them,  
14 we have the split area size, and every year since 2007 we  
15 have been going over our target. And we can't know what's  
16 effective because we don't have enough data. And there's no  
17 way to evaluate what part of the regulations are effective.

18 MR. COBURN: Is this recreational?

19 MS. KENNEDY: This is recreational.

20 MR. GRACIE: Oh, yeah.

21 MR. O'CONNELL: And Carrie, how does that  
22 performance compare to other sates?

23 MS. KENNEDY: For 2009, actually, we are one of  
24 three states that went over our target. New Jersey went over  
25 by less then one percent, Delaware went over by three percent

1 and we went over by 23.6 percent. And the only other state  
2 that has a split area is North Carolina and they have not  
3 been going over.

4 (Slide)

5 So, moving on. These are our options. All of  
6 our options here are really in response to what we heard  
7 from the public in January. We had a meeting down at the  
8 Prince Frederick Public Library, with some recreational  
9 folks down there. And then we had a meeting over on the  
10 coast.

11 You'll see that we have two start dates in April.  
12 All of our start dates are on Saturdays, again in response to  
13 comments that we heard. Some folks wanted to start middle of  
14 April, some folks preferred to start at the end. But this  
15 was as early as we could get. And the various ending dates  
16 with those early dates. This gives us all 24.5 percent  
17 reduction.

18 Now, we also heard from folks in both meetings that  
19 they like to go as late in the year as possible. So we  
20 started at the end and worked backwards, to see -- okay, so  
21 if you want to go as late as October 30<sup>th</sup>, where does that  
22 leave you in the start date. So we have a couple of those  
23 options.

24 And then our final option -- this is wrong. All  
25 of these are three fish, 18.5 inches. This one should be



1 19 inches. That's why we got such a long season here.  
2 That's why it goes April 17<sup>th</sup> to November 2<sup>nd</sup>. And again, that  
3 was a request that we heard through public comment, that if  
4 we went up to 19 inches, could they be out there fishing  
5 longer. So, yes, that's an option. All of these give us the  
6 same percentage reduction.

7 MR. GRACIE: Why is that June 8<sup>th</sup> to October 30<sup>th</sup> the  
8 same? That's the shortest season up there.

9 MS. KENNEDY: Right. Okay. Because a day in  
10 October does not equal a day in May or April. The harvest  
11 rate in September and October is much higher, that's why you  
12 guys all want to fish in October, because you have a greater  
13 chance of catching a summer flounder.

14 MR. GRACIE: That's why there ought to be  
15 12 October.

16 MS. KENNEDY: So, we can go a little longer in  
17 October but that makes the season shorter.

18 MR. GRACIE: Thank you.

19 MS. KENNEDY: So -- preferences? Concerns?  
20 Questions?

21 ***Questions and Answers***

22 MR. COBURN: I think, five is a good one, because  
23 I've actually had people come up to me and prefer that.

24 MS. KENNEDY: Okay.

25 MR. COBURN: Today, matter of fact.

1 MS. KENNEDY: Okay.

2 MR. COBURN: They would like to see that. It is  
3 something that I've heard.

4 MR. O'CONNELL: Which one, Larry?

5 MR. COBURN: Five.

6 MR. GRACIE: Ed.

7 MR. O'BRIEN: Just a couple of quick things. What  
8 -- when you have these hearings, how many people attended the  
9 hearings?

10 MS. KENNEDY: At the meeting on the Coast we had  
11 close to 100, if not more.

12 MR. O'BRIEN: Significant turn out on the Coast.

13 MS. KENNEDY: Yes, significant turn out.

14 MR. O'BRIEN: How about the Bay?

15 MS. KENNEDY: And the one down in Southern Maryland  
16 we had three people.

17 MR. O'BRIEN: Three people. Okay. First of all,  
18 I think I am lost on this one, but -- you know, I've never  
19 seen the Technical Committee approve a split situation when  
20 it came to Maryland Bay versus ocean. I remember striped  
21 bass when we went down to the conservation equivalency,  
22 18 inches, when really it's 20 inches. And we got 18 inches  
23 conservation equivalency. That seemed to be a real  
24 breakthrough when it came to the term conservation  
25 equivalency. A precedent, if you will. And that's something

1     that Maryland achieved.

2                 Now, later on as we learned from that we got  
3     conservation equivalency on flounder. Because typically last  
4     year was an anomaly, I don't know. But I know it was  
5     evidently significantly different then previous years when we  
6     had small flounder in the Bay compared to what was in the  
7     ocean.

8                 Now, I've heard data doesn't support that. But --  
9     my only data is, you know, a dock with 30 charter boats,  
10    where if you see five keepers come in, in a month, that was  
11    extraordinary.

12                So I think we make a mistake if we just abandon the  
13    conservation equivalency. I don't know what the penalty  
14    would be. Again, I know last year there were some nice  
15    flounder caught down south in particular.

16                MS. KENNEDY: Well, let me just add -- correct you  
17    on one point, we actually have had split seasons approved by  
18    the Technical Committee for summer flounder from 2005 through  
19    2009.

20                MR. O'BRIEN: Oh, I know that.

21                MS. KENNEDY: Right.

22                MR. O'BRIEN: But I am saying once you give that  
23    up, when are you going to get it back.

24                MS. KENNEDY: I see.

25                MR. O'CONNELL: It's my understanding -- I mean

1 conservation equivalency is still available to us but because  
2 of the lack of data and our poor performance, the Technical  
3 Committee didn't recommend it and the Board didn't approve  
4 it.

5 MS. KENNEDY: Right.

6 MR. O'CONNELL: You know, so perhaps with  
7 implementation and with the new recreational monitoring  
8 survey or investment on our end, you know, we can go back to  
9 something like that.

10 MS. KENNEDY: Certainly. If there were a different  
11 -- if we had a higher number of samples in the coastal bays  
12 and a higher number of samples in the Chesapeake Bay, and we  
13 could differentiate between the two, that would be a whole  
14 different story, and we might be able to go back to that  
15 then.

16 MR. GRACIE: What is your timing on your desire for  
17 recommendation from the Commission?

18 MS. KENNEDY: We would like a recommendation from  
19 the Commission this evening.

20 MR. O'CONNELL: We can -- can we implement this by  
21 public notice, correct?

22 MS. KENNEDY: We can implement this by public  
23 notice. We anticipate that once we have the comment from  
24 this Commission tonight and then there's another public  
25 meeting in Salisbury on March 2<sup>nd</sup>, once we have both those --

1 have heard all that public comment, we'll go back and make a  
2 decision. The earliest that we would submit regulations and  
3 a public notice could be March 5<sup>th</sup>.

4 Our play end is to submit a public notice and  
5 permanent regulations at the same time. The reason why we  
6 would do that is because if we just submitted permanent  
7 regulations, they would be effective by the start date.  
8 Unless -- there actually no start dates -- the permanent  
9 regulations would be effective.

10 And we do have authority to modify the season and  
11 creel and size limits by public notice. So we would submit  
12 both of those at the earliest convenience, the earliest time  
13 we could do that would be March 5<sup>th</sup>. We need to do that  
14 sooner rather than later.

15 MR. GRACIE: Commissioners have a preference here?  
16 Somebody want to make a motion?

17 **MOTION**

18 MR. COBURN: I motion to help them fine.

19 MR. D. SMITH: Can I make a comment?

20 MR. GRACIE: We have a motion now --

21 MR. D. SMITH: Okay.

22 MR. GRACIE: -- and let's see if we have a second.  
23 If we don't have a second, it will die for want of a second.  
24 Goes first.

25 MR. D. SMITH: Okay.

1 MR. GRACIE: Let me get the motion.

2 MR. GOLDSBOROUGH: I will second.

3 MR. GRACIE: Bill second.

4 MR. H. SMITH: How long is the season. That is --

5 MR. D. SMITH: I think it benefits both  
6 recreational because they can be out on the water longer,  
7 economically then if it -- more time to spend money -- 18.5  
8 to 19, I don't know how big a deal that is, but -- I guess  
9 for a lot of people like us who have been fishing for a long  
10 time, maybe not me, but -- get out on the water and they're  
11 pretty happy with just getting out on the water. They might  
12 not catch a fish but they're happy being out there. And  
13 maybe somebody coming along that's new at it, probably won't  
14 be doing it too much if they're not catching legal fish. So  
15 I guess that was my thought process on that. That half inch.  
16 But we are up for Option 4 or 5. So --

17 MR. GRACIE: Richard.

18 MR. GAINES: If I could just hear that half inch is  
19 a big deal. I am really good at catching flounder. And from  
20 18.5 to 19 inches is a big deal.

21 The other thing that I want to point out is, and  
22 you guys can correct me, probably 75 percent of flounder you  
23 catch are deep hooked. So how many are we killing to get to  
24 19 inches, okay. So I think there's a place where it levels  
25 out, when you get to those upper size limits, you're killing

1 a hell of a lot of fish to get there to catch that one. To  
2 think that we're doing the right thing.

3 So, I would encourage you guys to stay with  
4 something at 18.5 inches. Because I can tell you the average  
5 person struggles to catch them that big and there's a big  
6 jump between 18.5 and 19.

7 Matt fishes a different part of the Bay, I mean he  
8 may be able to add something, too. I fish off Popular  
9 Island, and that way. You can catch them, but you got to go  
10 through 15 or 20 of them to get an 18.5.

11 MR. COBURN: So you're talking about --

12 MR. GAINES: No, they said Option 5.

13 MR. GRACIE: Is at 19. Anything that is 18.5 --  
14 and I would ask the charter boat guys what works for them. I  
15 know that in this part, in the middle part of the Bay, we  
16 don't even see fish until around the first week of June. But  
17 the buys that fish the lower part of the Bay, I don't know  
18 when they start seeing flounder --

19 MR. WOMMACK: Around May.

20 MR. GAINES: Around May. So, you know, Option 4  
21 would work probably for everything.

22 MR. O'CONNELL: Yes, that's what I was thinking,  
23 too.

24 MR. GAINES: Except the -- yes, you got to figure  
25 out the coastals, it's a whole other world. Again, talking

1 about two different sizes, those guys see fish probably  
2 earlier. And bigger.

3 MR. GRACIE: Any other comments from the  
4 Commissioners on the motion?

5 (No response)

6 MR. GRACIE: Comments from the public? Somebody  
7 had their hand up.

8 ***Public Comments***

9 MR. JONES: Yes, I was just --

10 MR. GARY: You need to come up.

11 MR. GRACIE: And your name. And we need to get you  
12 to the microphone since we are recording.

13 MR. JONES: My name is Eddie Jones, basically been  
14 recreational flounder fishing in the Bay and in the coast for  
15 about 15 to 20 years. I average about 40 days a year on the  
16 combined. I can use some of my personal data. It's been  
17 about a 10 to 1 ratio on keepers to throwbacks at Virginal,  
18 let's say, 19 inches which is what Virginia had last year.

19 MR. GRACIE: You mean throwbacks to keepers?

20 MR. JONES: Correct.

21 MR. GRACIE: Ten keepers for one throwback?

22 MR. JONES: No, sir. The other way.

23 MR. GRACIE: The other way around.

24 MR. JONES: The other way.

25 MR. GRACIE: I was going to say I want to fishing



1 with you.

2 MR. JONES: No, no, no. No, no, no. And this  
3 year in the Bay and I am basically speaking about mid-Bay  
4 here when I am talking about Bay, Popular Island and areas  
5 that were already mentioned, it was very easy to go catch  
6 your one fish this year. You were allowed one fish and it  
7 was 16.5 inches.

8 Quite honestly, if you got the tide right and the  
9 drift right, and you had four people, could be done in  
10 20 minutes. Okay. It was good, it was right. Things were  
11 right.

12 I am all for and all of my buddies, we've all  
13 talked about it, we think 19 is a little bit extreme. Half  
14 an inch doesn't make a very huge big deal. But again, in  
15 most of the Bay you don't see a fish until June 1 of any  
16 kind of numbers, you might catch one or two and then that's  
17 for something, but -- my people are all lobbying towards 18.5  
18 inches, longest season we can get, kind of justifying it from  
19 June 1 on.

20 MR. GRACIE: So that would be Option 3 then, right?

21 MR. JONES: Option 3 or 4. I would be fine with  
22 either one of those in our opinions. Now, unfortunately I do  
23 think -- I do fish on the coast in Ocean City, we have a  
24 condo over there, it's going to hurt their early season.  
25 There are some fish that do show up in Ocean City, the bigger

1 fish, that there is a target up there, probably starting  
2 April 20<sup>th</sup> thereabouts and on. So there is going to be -- you  
3 are going to get some yakking about that for sure.

4 MR. GRACIE: Carrie, have you talked to those  
5 people? Do you have a feel for what they might prefer?

6 MS. KENNEDY: I have got a ton of e-mails that all  
7 support the 19 inch option. When we went and spoke to them  
8 in January, when they suggested the 19 inch minimum, you  
9 know, it was sort of split between a contingent that wanted a  
10 little earlier and a contingent that wanted a little later.  
11 But what I've heard, you know, via e-mail traffic is largely  
12 19 inches.

13 MR. SIKORSKI: What number does ASMFC use for --  
14 like catch-and-release mortality for flounder? Do they have  
15 any data on that?

16 MS. KENNEDY: You know, I don't know that number  
17 off the tip of head. But it's part of the consideration in  
18 the Technical Committee deliberations, when they come up  
19 with the calculations that, you know, let us get to these  
20 numbers.

21 MR. GRACIE: Tom.

22 MR. O'CONNELL: Hi, Carrie. I am just trying to  
23 minimize the chance that we're likely to have two different  
24 options from sport fish and the Coastal Fishery Advisory  
25 Committee.

1           If Option 5 is not selected do -- do you have any  
2 idea of which the Coastal Committee would prefer? Would it  
3 be earlier or later or is it pretty much split, which I think  
4 it might be.

5           MS. KENNEDY: My sense is that it was pretty split.  
6 I mean Mike could probably, you know, confirm that. But  
7 their conversation at the meeting that we brought it to was  
8 pretty split. You know, half of them wanted it earlier and  
9 half of them wanted it later.

10           MR. GRACIE: Any other comments from Commissioners?  
11 Public? Go ahead. Identify yourself.

12           MR. KRISTY: Thank you. My name is Robert Kristy.  
13 And I will probably be a devil's advocate here for Ocean  
14 City. I will start out by saying I probably fished one or  
15 two days in the past five years for flounder so I really  
16 don't have a dog in this hunt. But I have been to Ocean City  
17 quite a bit. And while we're up here fishing for rock, what  
18 the things that they're down there doing is gearing up for  
19 flounder.

20           And it goes against every grain in body to put a  
21 dollar sign on a fish. But they're going to want that  
22 holiday. Especially because that's when everybody -- you  
23 guys know Route 50, it's packed up. They're going down  
24 there. They're going fishing. At least they want the  
25 opportunity to catch a fish.

1                   MR. GRACIE: You talking about what holiday,  
2 Memorial Day?

3                   MR. KRISTY: Yes.

4                   MR. GRACIE: Yes.

5                   MR. KRISTY: That's for -- in May. So with that --  
6 with that in mind, you know, you're really --

7                   MR. GRACIE: One, two and four.

8                   MR. KRISTY: Right.

9                   MR. GRACIE: We get that.

10                  MR. KRISTY: One, two, four, five. And with that  
11 being said the coastal fishery is the bread and butter of  
12 flounder fishery. I don't think anybody would really argue.  
13 We do have people here are very good at targeting flounder in  
14 the Bay. It's a very exciting fishery if you can get on them  
15 in the Bay. But the majority of flounder are targeted, in my  
16 opinion, at Ocean City and the surrounding area.

17                  So, when we sit here and talk about ourselves we  
18 have to realize that you know, they're dictating striped bass  
19 to us, will be a little upset. But flounders, they're  
20 fisheries, so I would give them the lion's share of the  
21 opportunity to get out and do what they do best.

22                  MR. GRACIE: Thank you. Was there somebody else  
23 who wanted to speak from the public? Go ahead. Come up and  
24 identify yourself.

25                  MR. PHOEBUS: My name is Bill Phoebus. I live up

1 in Annapolis but I also fish a lot in Ocean City. And I had  
2 a couple of questions. One, the last, in three years, we've  
3 been over our limit, right?

4 MS. KENNEDY: Yes.

5 MR. PHOEBUS: What did -- what did you do  
6 differently this year so that we wouldn't be over next year?

7 MS. KENNEDY: Well, the first thing that we did,  
8 the main thing that we did is we made a minimum -- a minimum  
9 statewide size rather than having area split. And then that  
10 means for the Chesapeake Bay we went up two inches to 18.5,  
11 if that's what the final decision is. And then -- on the  
12 coast it's up by half an inch.

13 MR. PHOEBUS: Does that mean that you think most  
14 people are going to catch three fish that are 18.5 on the  
15 coast or catch three fish --

16 MS. KENNEDY: You know --

17 MR. PHOEBUS: -- on the Chesapeake Bay.

18 MS. KENNEDY: -- it's actually -- the calculations  
19 are not based on what we think people are going to catch.  
20 It's based on some reduction tables and some calculations  
21 that Atlantic States Marine Fisheries Commission that does  
22 that says, if you catch one fish, you know, at 16 inches, you  
23 get this reduction, and if you catch three fish at 18.5  
24 inches you get this reduction, which is more significant than  
25 the one at 16 inches.

1           MR. PHOEBUS: If you were to lower the number of  
2 fish to two fish would that bring your total reduction down?

3           MS. KENNEDY: It's less then a third of a percent.

4           MR. PHOEBUS: So even though you would be reducing  
5 by 33 percent it would be less then a third of a percent in  
6 reduction.

7           MS. KENNEDY: Is what the reduction would get us.  
8 Right.

9           MR. GRACIE: What that means is not many people are  
10 catching three fish.

11          MS. KENNEDY: Right.

12          MR. PHOEBUS: So, I guess I was wondering what  
13 point is -- is people aren't -- if people aren't going to  
14 catch, they're going to be lucky to catch, early on they're  
15 going to catch one, maybe two, and as that season goes on,  
16 those head boats are going to come in with nobody having a  
17 fish on that boat.

18               I talked to you today, as a matter of fact --

19          MS. KENNEDY: Yes.

20          MR. PHOEBUS: Why did you have to come to the 18.5  
21 inches, 18.5 and couldn't you have come to a small fish but  
22 at least giving them one fish. So that when they came in at  
23 least the captain could say well, we had five people limited  
24 out today out of 40. You know, I am thinking about charter  
25 boat captains and that business down there, too, because they

1 are not -- and you get all those people on a boat, you get a  
2 big bycatch. And I think the bycatch is very important.  
3 You're killing a lot of fish.

4 Every time you raise that up, you kill more fish  
5 because they got to go back over. I don't know about seven  
6 out of 10 fish dying. But I can tell you a lot of flounder  
7 die because they're not handled correctly or they are deep  
8 hooked.

9 And my feeling was if you let them have a smaller  
10 fish and limit them to one or two, you know, I just didn't  
11 know why you came up with that 18.5. And I know Virginia is  
12 at 19 and they catch a few fish early spring, but then after  
13 that, those big fish are gone. And they're back to a smaller  
14 fish. And that, really that kind of fishery peters out after  
15 a while.

16 MS. KENNEDY: Well, let me -- you know, I don't  
17 have that table in my brain. But I can tell you that a  
18 16 inch fish but one is going -- might be something like that  
19 would give us a five percent reduction, whereas you know, the  
20 table that we're given to do these calculations, to get to  
21 our reduction, you know, with those states 18.5 inches, three  
22 fish, we end up with this 24.5 reduction.

23 So -- a smaller fish, one fish, might be a five  
24 percent reduction, a bigger fish, three fish, is going to be  
25 a larger reduction.

1 MR. PHOEBUS: I do remember previous --

2 MS. KENNEDY: We need to get -- we need to -- you  
3 know, our reduction is 24 percent.

4 MR. PHOEBUS: Right.

5 MS. KENNEDY: So, we're already, you know, pretty  
6 close to what our reduction has to be.

7 MR. GRACIE: We're going to have to move on.

8 MR. PHOEBUS: Okay.

9 MR. GRACIE: You have anything else to say?

10 MR. PHOEBUS: I have a lot to say but we don't have  
11 enough of time.

12 MR. GRACIE: We never do, sorry. Thank you.

13 MR. PHOEBUS: Okay.

14 MR. SIKORSKI: I would say, Carrie -- if I may,  
15 Jim?

16 MR. GRACIE: Go ahead.

17 MR. SIKORSKI: On that point. Is it part of the  
18 answer to his question about why we can't have a smaller  
19 fish, because that mean you would have to have a much smaller  
20 season?

21 MS. KENNEDY: Yes, a much smaller season. And a --  
22 there is just more smaller fish available.

23 MR. LAWRENCE: I just have one quick point. My  
24 name is Matt Lawrence. As we over the years have come down  
25 to this, the regulation that we currently have, this started



1 off with more fish and got down to three. Three fish is what  
2 the coastal fisheries, the head boat captains, that's about  
3 -- that's the least amount of fish that they feel that they  
4 could still get clients to come on their boat. That was an  
5 important consideration.

6 To go down and pay, I don't know what they charged,  
7 \$30.00, \$40.00, \$50.00 to go out for the day and just have  
8 one flounder possibly, the potential for that wasn't enough.  
9 So that's why we're set at three for the last few years.

10 MR. GRACIE: Thank you, Mike. Now, we have a  
11 motion on the floor. Any other discussion. We only called  
12 the question only once. Dave Sikorski. You have something  
13 you have to say, go ahead.

14 MR. SIKORSKI: No.

15 MR. GRACIE: Oh, Bill Goldsborough.

16 MR. GOLDSBOROUGH: Yes. My question had to do with  
17 the gut hooking, I guess for Richie. When the three quarters  
18 that you say caught, was that last year or --

19 MR. GAINES: No, that's over a long period of time.  
20 When your dragging baits, three-fourths of the fish -- I  
21 said 70 percent are deep hooked. To where it's really a  
22 struggle to get that hook out of them. You are ripping and  
23 tearing.

24 MR. GOLDSBOROUGH: Well, wouldn't the point be how  
25 much that ratio goes up with a higher minimum size.

1 MR. GAINES: That was the point I was making.

2 MR. GOLDSBOROUGH: But that is what I was trying to  
3 get out, you know, how much -- well, last year with 16.5 in  
4 the Bay versus what it would be if it were say 18.5 or 19. I  
5 mean does it go up that much?

6 MR. GRACIE: I don't think that's the question  
7 we're going to be able to answer tonight, Bill. So I am not  
8 sure that's helpful. I mean does somebody have those  
9 numbers?

10 (No response)

11 MR. GOLDSBOROUGH: I guess my point was at 18.5 it  
12 would still be quite high. Follow me.

13 MR. COBURN: They have --

14 MR. SIKORSKI: When was the season shut down last  
15 year? I believe it was in September?

16 MS. KENNEDY: September 13<sup>th</sup>.

17 MR. SIKORSKI: Okay. I just -- one thing I saw in  
18 an issue back -- when it was shut down, and I saw a major  
19 outcry to the fact that that's -- the time of the year when  
20 the weather is still good and people are still fishing. And  
21 that's recreational anglers going to Ocean City, that's  
22 charter boats being able to go out and take anglers out  
23 fishing.

24 MS. KENNEDY: Right.

25 MR. SIKORSKI: And so if you give -- to me Option 5

1 makes sense because we have a longer time period on the  
2 calendar to allow for the economic activity, line fishing, to  
3 take place. And you know, unfortunately, it does mean an  
4 increase in size. And --

5 MR. GRACIE: Okay. I am going to call the  
6 question. We're way over here. All in favor of the motion  
7 say yea.

8 (Chorus of "ayes")

9 MR. GRACIE: Raise your hands, raise your hands.

10 MR. GARY: We have one, two, three, four.

11 MR. GRACIE: Opposed?

12 (Show of hands)

13 MR. GARY: One, two, three, four, five, six.

14 MR. GRACIE: Motion fails. If we could limit the  
15 discussion I am willing to entertain another motion. We need  
16 to make a recommendation to the fishery folks. Can we have  
17 the options back up there, please, Marty.

18 MR. WOMMACK: Is that the best we got to choose  
19 from?

20 MR. GRACIE: That's it. Those are our choices.  
21 Afraid so, Mack.

22 MR. WOMMACK: I mean people ain't going to play  
23 fair.

24 MR. GRACIE: No, it doesn't mean our reduction  
25 targets. She's already answered that.

1 MR. GARY: These are the only options that are  
2 available because ASMFC gave it to us and they approved this  
3 list.

4 MR. GRACIE: Roger.

5 MR. TRAGESER: Well, I mean, you know, just to see  
6 if another option flies with a different group here. I think  
7 Option 4, you get that size down, you at least extend that  
8 fishing time out to the middle of October. And it gets you  
9 in before Memorial Day. I think for a smaller fish size that  
10 is an --

11 MR. GRACIE: Is that a motion --

12 MR. TRAGESER: -- get an option.

13 MR. GRACIE: -- for Option 4. I will discuss it  
14 after we get it on the table. Is there a second?

15 (No response)

16 MR. GRACIE: No second. Motion dies.

17 MR. COBURN: I had a lot of people say that they  
18 would like to be able to start in April, fishing out.

19 MR. GAINES: That's a big deal of the sea sides.  
20 Big deal.

21 MR. GRACIE: Motion? Come on, guys.

22 **MOTION**

23 MR. GARY: I will make a motion for Option 2.

24 MR. TRAGESER: I will second.

25 MR. GRACIE: That is Richie, seconded by Roger. If

1 anybody feels compelled to speak, I am going to glare at you.

2

3 (Laughter)

4 MR. GRACIE: Any discussion?

5 MR. GARY: Second by?

6 MR. GRACIE: Roger Trageser. All in favor of the  
7 motion? Raise your hands.

8 (Show of hands)

9 MR. GARY: Three, four, five, six, seven, eight,  
10 nine.

11 MR. GRACIE: Opposed?

12 (No response)

13 MR. GRACIE: Have an abstention.

14 MR. O'BRIEN: I have a comment that we get some  
15 excellent input from guests here.

16 MR. GRACIE: Yes, we do.

17 MR. O'BRIEN: Very good input. Particularly I like  
18 some of the things that you brought out. Now, on the Bay,  
19 again, I am not getting conservation equivalency, which we  
20 will -- train coming down the track, but in the Bay the  
21 charter boats, so let's talk about charter boats.

22 If you catch a keeper flounder, that is a big, big  
23 deal. And it not only makes the person who caught it happy,  
24 it makes the whole boat happy.

25 Now, for fishermen that are more professional

1 recreational fisherman, that target flounder, you know, again  
2 they're going do a heck of a lot better. But I just again  
3 need the people to recognize that we got a constituency out  
4 there, a lot of group parties, church groups and everything,  
5 and that is who we take out. And under this scenario they  
6 got very, very little chance.

7 MR. GRACIE: I think we understand that. I don't  
8 know that we have any other options this year. But maybe ---  
9 is going to help us. All right. We got to move on with the  
10 agenda. We're way behind now.

11 ASMFC update and then Atlantic Fisheries Advisory  
12 Council update.

13 MR. O'CONNELL: Can I come over here.

14 MR. GRACIE: You haven't even gotten to the  
15 controversial issue yet, guys.

16 ***ASMFC & Mid Atlantic Council Update***

17 ***by Tom O'Connell, MD DNR Fisheries Services***

18 MR. O'CONNELL: I will try to -- put us back on  
19 time. Atlantic States Marine and Fisheries Commission met  
20 the first week in February. And several of the Commissioners  
21 did make it out on the Tuesday, and I hope you enjoyed your  
22 time there and got a good feel on how the deliberations take  
23 place. All of you should have received a copy of the meeting  
24 summary. And just want to highlight a few things.

25 We've already talked about summer flounder. And

1 scup, which is not really an important Maryland species at  
2 the current time, it used to be. It's going to be status quo  
3 for scup. There are some changes going on in New England,  
4 but for the souther region, which Maryland is in, scup will  
5 remain the same.

6 Black sea bass, this has been a pretty heated topic  
7 over the wintertime. Last fall the black sea bass fishery  
8 was shut down because of projected harvesting, we were going  
9 to greatly exceed the harvest target. The council approved a  
10 harvest target for 2010, that was going to require I think a  
11 reduction of 66 percent. There was a lot of concerns related  
12 to the assessment that supported that specification. As a  
13 result the scientists got back together and recommended a  
14 different harvest target which reduced the reduction from 66  
15 percent to 44 percent.

16 The Commission approved increasing the allowable  
17 catch for 2010 and past a motion that would provide a season  
18 of May 22<sup>nd</sup> to September 12<sup>th</sup>, contingent upon NMFS taking an  
19 emergency action to increase the overall quota. It turns out  
20 that this motion was also reviewed by the Mid-Atlantic  
21 Council and the Council decided upon a different season,  
22 which was a split season. I don't have the dates in my mind  
23 right now. Harley, can you mention what --

24 MR. SPIER: May 22<sup>nd</sup> through August 8<sup>th</sup>, and  
25 September 4<sup>th</sup> through October 4<sup>th</sup>.

1 MR. O'CONNELL: All right. And so there is some  
2 concerns from our coastal community that that's not the ideal  
3 situation, but that's what's being recommended to the  
4 Council. And has NMFS made a final ruling on that?

5 MS. KENNEDY: NMFS, it is -- does meet the 44  
6 percent reduction.

7 MR. O'CONNELL: So it does meet the 44 percent  
8 reduction. We're just waiting for the final emergency action  
9 to be implemented by NMFS.

10 I am going to skip over striped and we'll end that  
11 last because that's going probably require a little bit of  
12 discussion. Weakfish management, as you remember we had to  
13 implement a new management approach to meet the Amendment  
14 requirements. For the recreational fishery, that's one fish.  
15 Creel limit and that motion -- that management plan, that  
16 was approved by the Atlantic States Marine Fisheries  
17 Commission.

18 Let's see here. See, horseshoe crabs, they're  
19 implemented the new addendum to look at whether or not  
20 horseshoe crab fishery will remain status quo or change.  
21 Just mentioned that I was voted in as the new Chair person  
22 for the Horseshoe Crab Fishery Management Plan, Management  
23 Board.

24 Bluefish, just a note worthy thing, there is going  
25 to be an effort to try and get additional data on the middle



1 age classes of bluefish. And our staff may be following up  
2 with some you, intercept bluefish to get some -- samples to  
3 support that effort.

4 Shad and river herring, we already spoke about  
5 river herring. We find ourselves in a similar situation  
6 with the Board approving the amendment for the American Shad  
7 Plan. This is not going to have implications to Maryland.  
8 Our fisheries are already shut down. But all states are  
9 going to have to put forth a sustainable fisheries plan in  
10 order to allow their fisheries to continue, otherwise those  
11 fisheries will be shut down in a couple of years.

12 It's very clear that catch-and-release fishing is  
13 still allowed despite a state closing their fisheries.  
14 Catch-and-release is treated differently for shad.

15 MR. GRACIE: Did you mention -- amendment on the  
16 commercial quotas?

17 MR. O'CONNELL: No, the last --

18 MR. GRACIE: Oh, okay. You're saving that for  
19 last, all right. I just thought --

20 MR. O'CONNELL: I thought I would try and get away  
21 with not talking about it.

22 MR. GRACIE: Hopefully we'll run out of time.

23 MR. O'CONNELL: There's been a petition to enlist  
24 Atlantic sturgeon as an endangered threatened species. The  
25 ASMFC policy board agreed to send a letter opposing the

1 enlistment of Atlantic sturgeon recognizing that by listing  
2 Atlantic sturgeon as threatened or endangered it would  
3 restrict our ability to monitor the resource because you  
4 wouldn't be able to handle them. And the policy board agreed  
5 to send that letter forward.

6           There is an effort to look at making black drum a  
7 coastal management species. There is going to be a data  
8 workshop to look into that topic.

9           MR. GRACIE: What does that mean?

10           MR. O'CONNELL: Right now black drum is managed by  
11 individual states. It is not coordinated coast wide. So  
12 because it's a coastal species there is an interest to  
13 develop a coastal fisheries management plan for black drum,  
14 like we have for striped bass, et cetera.

15           MR. GRACIE: Thank you.

16           MR. O'CONNELL: Now, to the striped bass. Maybe to  
17 highlight a couple of things. First, Captain Ed O'Brien came  
18 to the Striped Bass Board Meeting. And he gave a passionate  
19 plea to the Board during the public comment period, stressing  
20 the importance to address the illegal poaching activity  
21 that's going on in the recreational fishery, commercial  
22 fishery, off shore particularly in the EEZ area.

23           It was well received by the Management Board  
24 members. That is widely recognized against the long tenured  
25 Board members, and having Ed come to the table to bring up

1 concerns by recreational fishing really resonated with them.

2 As a result of that the Board recommended and the  
3 policy Board approved, sending a strong message, letter, to  
4 the National Fishery Service and the United States Coast  
5 Guard asking them to look at increasing the penalties  
6 associated with illegal activity off shore with striped bass.

7 That letter has been sent. We can scan that and  
8 get a copy out to you maybe tomorrow. As a result of that we  
9 have already seen some positive responses with some cases  
10 that were made in the past week, with poaching activity off  
11 shore. So, thanks, Ed, for making that plea. And I think  
12 the Commission is very supportive of taking this action off  
13 shore.

14 There were a couple of other -- there was the --  
15 Striped Bass Management Board had a focus presentation by the  
16 Technical Committee which reviewed several different tasks.  
17 All that information should be available on line. One topic  
18 was mycobacteriosis. And there were three scientists that  
19 came and spoke about what we have learned over the years with  
20 mycob.

21 Technical Committee has reported concerns about the  
22 increased natural mortality rate, specifically in the  
23 Chesapeake Bay and mycobacteriosis may have -- be a reason  
24 for that, and such the presentation was provided and it's  
25 available on line.

1           Let's see -- the major issue that happened at the  
2   Striped Bass Management Board meeting was -- and -- another  
3   discussion about whether or not the coastal commercial quota  
4   for striped bass should be increased. A little history, back  
5   in May of last year, there was a motion to initiate an  
6   addendum to allow an increase to the coastal commercial  
7   quota. And that motion failed.

8           There was a second motion to establish an addendum  
9   to allow the rollover of any unused coastal commercial quota.  
10   That addendum went through the public process of being  
11   drafted, public comment. In November that addendum was not  
12   approved by the management board.

13           The new stock assessments for striped bass was  
14   presented in November. And I will go over that in a couple  
15   of -- in a minute.

16           But ultimately the New York Commissioner, asked for  
17   an agenda item and put the issue back on the table to  
18   initiate an addendum that would allow the increase in the  
19   coastal commercial striped bass. And Marty, if you could  
20   bring up the directory for that flash drive.

21           The motion ultimately passed by a narrow margin of  
22   eight to seven. Maryland did cast a positive vote to go  
23   through the process of developing the addendum. And the  
24   Board will be -- just bear with me one second.

25           (Pause)

1           MR. O'CONNELL: So this is the stocks -- I just  
2 want to highlight a few things to help explain some of my  
3 reasoning personally for voting for the motion and for  
4 Maryland casting a supporting vote at this point in time.

5           (Slide)

6           You know, we've had a lot of discussion on striped  
7 bass recently, particularly with catch-and-release fishing.  
8 And one hand, if you look at this graph, you can see that  
9 overall the striped bass stock appears to be in a good  
10 condition. We're still 150 percent above the spawning stock  
11 biomass target. And the fish and mortality rate is well  
12 below the fish and mortality target.

13           That said, this assessment highlighted some  
14 concerns about the status of the stock. We've seen a period  
15 of low recruitment that's projected to result in a continued  
16 decrease in the spawning stock biomass. We've seen increased  
17 natural mortality with mycobacteriosis. We have states the  
18 extreme ranges of striped bass, particularly in the  
19 New England, that's highlighting the fact that they're no  
20 longer seeing the big.

21           There is just a lot of concerns regarding what the  
22 stock is going to look like in the years ahead of us. And  
23 that was the principal reason why we took a very careful look  
24 at the expanding catch-and-release fishery. Which we didn't  
25 prohibit altogether, but we put some guardrails on it.

1 (Slide)

2 One of the concerns that's been expressed by the  
3 coastal commercial community -- you can really get to with  
4 this graph here. And the coastal -- just to clarify, the  
5 coastal commercial fishery is not talking about the  
6 Chesapeake Bay commercial fishery. It's specific to the  
7 coastal fishery in Maryland and long the coast.

8 And one of the concerns is, over time because the  
9 commercial fishery is managed under a quota system, those  
10 landings have been relatively constant throughout the last,  
11 you know, 10, 13 years. However, the recreational landings,  
12 which is more managed which are, you know, seasons and size  
13 limits, that fishery has increased significantly over that  
14 same time frame.

15 And it's a matter of bringing the issue to the  
16 table to have an honest discussion as to why -- those that  
17 may be opposed to looking at an increase in the coastal  
18 commercial quota. I think you also need to reflect upon  
19 what's going on in the recreational fishery coast wide to see  
20 if we also need to have that same discussion amongst the  
21 recreational fishing.

22 And the one thing I did --

23 MR. GRACIE: Before you do, can I ask a question?

24 MR. O'CONNELL: Yes.

25 MR. GRACIE: Before you do -- my understanding is

1 that the commercial fishery hasn't met it's quota recently,  
2 is that correct? They went under their quota.

3 MR. O'CONNELL: For Maryland or --

4 MR. GRACIE: No, coastal.

5 MR. O'CONNELL: Coast line.

6 MR. GRACIE: Yes. That's why they wanted an  
7 amendment to have a carry over, wasn't it?

8 VOICE: No, certain.

9 MR. O'CONNELL: Okay. Certain states, in  
10 particularly North Carolina, have not been meeting their  
11 commercial quota because they believe the fish have moved  
12 offshore.

13 MR. GRACIE: Okay.

14 MR. O'CONNELL: And they were the ones that were  
15 initially pushing for the rollover quota to just bank those  
16 fish in case the fish came back in shore. But I think most  
17 states have been meeting --

18 MR. GRACIE: At their quota.

19 MR. O'CONNELL: -- at their quota.

20 MR. GRACIE: Okay.

21 MR. O'CONNELL: So the one that has intrigued me  
22 is, you know, me and my staff went down and met with our  
23 coastal community in January. And this issue was number two  
24 on their priority list. And I thought it was important to  
25 allow the discussion to continue. I am not sure where

1 Maryland's votes ultimately are going to lie with this.

2 But I thought it was worthy of more discussion, not  
3 only for the fairness issue but the commercial coastal guys,  
4 but also to hear from those who may be opposed and why they  
5 are opposed.

6 One other thing that may be of interest to you.  
7 Marty, if you can get me back to the directory.

8 (Pause)

9 You guys can see that graph.

10 (Slide)

11 Interestingly the last -- the trends in Maryland  
12 are different then along the coast. You can see that the red  
13 line is the recreational harvest. And that has been going up  
14 over the last number of years. But the Bay commercial  
15 harvest has also been increasing.

16 And the reason that is, within the Chesapeake Bay,  
17 we manage under fish and mortality rates. And as the stock  
18 has increased over the last several years, so has the fishery  
19 for both the commercial and recreational landings.

20 The yellow line is the recreational discards, all  
21 fish that are caught and released. And there is mortality  
22 associated with those. And while it's been decreasing in  
23 Maryland, I am told that the recreational discards coast wide  
24 exceed the commercial harvest.

25 The bottom line is Maryland's Atlantic Commercial



1 Fishery. While the Chesapeake Bay commercial and  
2 recreational landings are managed under fish and mortality  
3 rate, the Atlantic commercial fishery in Maryland is under a  
4 fixed quota. And that quota has not changed over time. And  
5 I think it's worthy of this discussion. You know, the  
6 fisheries in the Bay have been able to increase and decrease  
7 based upon stock levels, but the Atlantic commercial fishery  
8 has not.

9           So, looking at all these issues and not having a  
10 lot of time to discuss it, because it was an issue that was  
11 added to the Board agenda, my view and Russell Diez's view  
12 was to support the motion at this time to initiate an  
13 addendum to consider increasing the coastal commercial quota.  
14 The next step would be for the technical planned development  
15 team to put the addendum together.

16           It's going to come back to the Management Board in  
17 May. The Management Board will review the issues and  
18 determine whether or not that addendum should go forth for  
19 public comment. And then the Board would act upon it in  
20 August.

21           The last time the Technical Committee reviewed  
22 such an issue it projected that the -- you know, increasing  
23 the coastal commercial quota by up to 25 percent, I believe  
24 it was, would have an effect on the fish and mortality rate  
25 of .01. Similar to a level, worst case scenario, for

1 catch-and-release, and I know that there are some people that  
2 are comparing this to the decision of catch-and-release --  
3 and while I think there's some comparison to be made, there's  
4 also some difference. We're talking pre-spawn fish for  
5 catch-and-release and these Atlantic fish are not pre-spawn.

6 So, that's the background I wanted to present on  
7 that topic. And I am sure there will be some questions.

8 MR. GRACIE: All right. I am going to allow some  
9 questions. We're behind schedule. And we got other issues  
10 to discuss. But -- comments, questions?

11 *Questions and Answers*

12 MR. COBURN: My concern is on the addendum. It  
13 said -- quota goes up, are they going to try and tap into the  
14 recreational quota?

15 MR. O'CONNELL: No, it's not a matter of  
16 reallocating the available fish. It would be a matter of  
17 increasing the -- quota for the coastal commercial striped  
18 bass fishery.

19 MR. GRACIE: Ed.

20 MR. O'BRIEN: Amazingly, if I am right, the  
21 Technical Committee acknowledged that there is no estimate  
22 for poaching in there.

23 MR. O'CONNELL: No. Mike ---, he's the DNRMP  
24 officer with the Commission, he gave the best report -- or he  
25 gave a report on the best available information on poaching

1 on the Commission meeting. Recognized -- it was recognized  
2 as a significant problem of concern. And actually a work  
3 group has been formed between a Law Enforcement Committee and  
4 the Technical Committee to try to come up with a monitoring  
5 program to get a better handle on it.

6 MR. O'BRIEN: But this is the first meeting we ever  
7 got them to do that?

8 MR. O'CONNELL: Yes.

9 MR. O'BRIEN: Now, North Carolina, of course, is  
10 different then all the other states when it comes to its  
11 cooperation with the estimating of the catch. Didn't Tidal  
12 Fish come up with a motion in this area, I think, Brian made  
13 it. And I believe that motion was that the -- if this  
14 passes, this addendum, that it be taken out of the North  
15 Carolina catch, because of poaching. What was it exactly?

16 MR. KEEHN: Well, part of the issue was that it's  
17 kind of indicative to that southern fishery, the North  
18 Carolina/Virginia coastal fishery.

19 MR. O'BRIEN: Right.

20 MR. KEEHN: And over the last four or five years,  
21 the industry that those rockfish haven't gone down in North  
22 Carolina, where five years ago North Carolina was a problem.  
23 Now, the last five years Virginia.

24 In the estimated harvest for that Virginia/North  
25 Carolina fishery, which MRFSS is not really tracking --

1 MR. O'BRIEN: Not even following it.

2 MR. KEEHN: Not even following was between 200,000  
3 and 800,000 fish. Just for recreational. So the commercial  
4 guys were all talking, the reason they want to raise the  
5 commercial is because the recreational on that coast has  
6 gotten so high. And our take on it, was that you're allowed  
7 two fish per person. The captain may allow two fish --

8 So, like in Maryland, when we catch fish, we're  
9 allowed six fish, go home. That same boat can go off the  
10 coast of Virginia and catch 16 fish. So our take was kind of  
11 -- on that coastal -- that lower coastal -- is the lower of  
12 the recreational catch for one fish per person and leave the  
13 commercial catch alone.

14 The commercial guys are one with the recreational  
15 hats. But what we recognize and I think Ed's point is that  
16 fishery down there will put us back into a moratorium. More  
17 50 pound fish, you see state -- I think the state record in  
18 North Carolina was broke the other day. The state record for  
19 Virginia was broke last year. These are 60 and 70 pound fish  
20 that are getting taken.

21 And that's our concern is that -- and MRFSS isn't  
22 even tracking it. So, we don't even really know what's  
23 coming out of there, and that's our major concern.

24 MR. O'BRIEN: But does the Tide Water have a  
25 motion?

1 MR. KEEHN: Yes, to reduce -- rather than increase  
2 commercial, reduce the recreational catch.

3 MR. GOLDSBOROUGH: In that fishery.

4 MR. KEEHN: In that fishery.

5 MR. O'CONNELL: The Tidal Fish Advisory Commission  
6 approved the motion unanimously to oppose the increase in  
7 coastal commercial striped bass. And also recommended  
8 reducing the take from it's Virginia/North Carolina fishery.

9 MR. O'BRIEN: That's right. It wasn't reduced the  
10 recreational catch, was it?

11 MR. KEEHN: It was opposed a commercial increase  
12 and to recommend a reduction on that Virginia/North Carolina  
13 coastal recreational catch.

14 MR. O'BRIEN: Okay. Just Virginia/North Carolina.

15 MR. KEEHN: Yes.

16 MR. O'BRIEN: I don't know --

17 MR. KEEHN: I don't know how --

18 MR. O'BRIEN: It certainly makes a point.

19 MR. KEEHN: That was our intention.

20 MR. O'BRIEN: I mean, you know, sitting around  
21 here, you know, you think there is some real order to all  
22 this, and face -- they don't even estimate when they come up  
23 with these numbers, they don't even estimate the bycatch.  
24 They don't even estimate it. They don't estimate the  
25 poaching. I mean they got a tough job, granted, because it's

1 federal waters.

2 But, you know, it ends up backlashing on us so many  
3 times when we go in there and want to do something and we  
4 lose by one vote, two votes, particularly the battles we've  
5 had on the trophy seasons. And those battles are right  
6 around the corner again. The younger the year thing, what's  
7 going on out there. Everybody knows this. Sports writers in  
8 Maine are writing about it. Sports writers in Florida.

9 So, we've got some real problems ahead on striped  
10 bass and that's why we were trying to look at ways that we  
11 could come back a little bit.

12 When I sat in the Advisor's Meeting, all I heard  
13 about was bycatch. And that is going to be the subject of  
14 the next advice to the Commissioners. This was coming from  
15 sports writers, from New Jersey, Al Ristori and people like  
16 that, you know. They know what's going on here, they read  
17 our papers, and, you know, we're going to be facing a  
18 difficult situation once there is a hiccup in the spawning  
19 biomass. Not that. We're talking about the spawning  
20 biomass.

21 MR. O'CONNELL: Yes, the spawning stock biomass is  
22 projected to decrease because of the poor juvenile  
23 recruitment in the last several years.

24 MR. GRACIE: Okay. Let's keep moving on. Richie.

25 MR. GAINES: I think Tom made some really good

1 points if you look at it, at the commercial level. They're  
2 really good points.

3 But I think when you throw everything into context,  
4 and I look at the spike in number up there, you pick  
5 recreational or you can pick commercial, it's about 650,000,  
6 700,000 fish. They're estimating 200,000 to 800,000 in that  
7 winter fishery that aren't even accounted for. That's --  
8 that's equal to one of our major fisheries. Which one do we  
9 want to throw out, recreational or commercial.

10 So, I mean when you take it in context, that's  
11 scary. But you made great points when you just look at the  
12 commercial side of it.

13 MR. O'CONNELL: Well, excuse me, and I need to  
14 make this point, I forgot but, you know, going through that  
15 catch-and-release and looking at the complete stock  
16 assessment, my sense is that we're in a period of that we  
17 should be trying to achieve stabilization. There's enough  
18 uncertainty in the status and the stock, that I think we need  
19 to let things play off for a couple of years to the next  
20 stock assessment before we start looking to expand fisheries.

21 You know, I think we should be very fortunate of  
22 the sacrifice of the past that have the quality of fishery  
23 that we have today. And I think we should be trying to  
24 preserve that. And, you know -- with that said, I thought it  
25 was worthy of going through a discussion, despite what --

1 there may be some things on Tidalfish.com or other sources of  
2 information. This isn't a done deal. It's a process to go  
3 through. Suggesting tracking this addendum. There are two  
4 more voting sessions before it becomes final.

5 And I guess the last point is despite what the  
6 Capital wrote, I am not the new Chair of the Technical  
7 Committee with Striped Bass. I was nominated as the new  
8 Vice-Chair for the Management Board, which makes me Chair in  
9 two years.

10 MR. GRACIE: Thank you, Tom. Are we going to  
11 finish at 9:00? Do we have to get out of here? Because  
12 we're going to go over if we go through -- the rest of the  
13 agenda.

14 MR. GARY: We should be okay for a few minutes.

15 MR. GRACIE: Who is going to present the  
16 Flexibility in the Magnuson discussion?

17 MR. GARY: Steve Early, over here.

18 MR. GRACIE: Steve. Do you know about how long  
19 you're going to take, Steve, because we're going to need some  
20 time for discussion, I am sure.

21 MR. EARLY: I can go over basics in about five  
22 minutes. Or less.

23 MR. GRACIE: It will be worth it if it doesn't  
24 prolong the questions.

25 (Laughter)



1 MR. GRACIE: Go ahead.

2 *Flexibility to Fish Act Discussion*

3 *by Steve Early, MD DNR Fisheries Services*

4 MR. EARLY: Okay. The HR-1584 Federal Act for  
5 Flexibility and Rebuilding American Fisheries is an act named  
6 at -- amending the Magnuson-Stevens Fisheries Conservation  
7 and Management Act. That Act basically effects management in  
8 federal water, EEZ. Management under the Council, not  
9 management under the Atlantic States Marine Fisheries  
10 Commission.

11 Magnuson-Stevens is basically written as a reaction  
12 to socioeconomic management. It's a conservation act. And  
13 it was intended to address conservation as expeditiously as  
14 possible. And there is a section within 304E, which is what  
15 the Flexibility Act is, trying to address which -- basically  
16 says that for an over-fished stock, there should be a plan to  
17 recover within 10 years.

18 There are conditions relating to the status of the  
19 stock, environmental conditions. There are recommendation  
20 within the National Standards to consider socioeconomic data.

21 What has happed in short-hand, real simplistic  
22 terms, is that socioeconomic information, information on  
23 participation of communities, participation of fisheries, has  
24 essentially taken a back seat to the conservation part of  
25 managing fisheries. And the 10 year time frame for many

1 fisheries is a pretty good time frame in which you should be  
2 able to rebuild.

3           The Flexibility Act attempts to look at other  
4 issues and address them on a more equal footing, if you will,  
5 or perhaps even a greater footing, depending upon your point  
6 of view, and there is a lot you can read on the internet,  
7 with conservation. It seeks to address socioeconomic  
8 conditions more directly. It seeks to build into the  
9 equation commercial, residential, agricultural development,  
10 water quality conditions.

11           It introduces a couple of new terms where the  
12 Secretary may extend the time frame, positive rebuilding,  
13 positive rebuilding means substantial. Substantial is left  
14 up in the air. And since substantial is up in the air, so is  
15 positive rebuilding.

16           And leaves up in the air issues such as if you have  
17 positive rebuilding for what period of time. The period of  
18 time when it begins is indicated. The period of time at  
19 which it may end is not indicated. So, it introduces some  
20 ambiguity into the act.

21           The flexibility, the Act being Magnuson-Stevens  
22 Act. The flexibility is essentially within Magnuson-Stevens,  
23 it has not been well incorporated. We lack good  
24 socioeconomic information on virtually every fishery. That's  
25 just the standard. We often now, for fisheries that -- the

1 earlier fisheries were probably the easiest to work with  
2 because we had more data for them. They were more important  
3 fisheries. Fisheries that are now coming on line for  
4 management, and I believe there are about 70 stocks in the  
5 South Atlantic, the information is going to be worse. It is  
6 definitely not going to be as good as what you had before.

7           So, you're going to be entering a period in which  
8 management in trying to weigh socioeconomic information and  
9 stock information is going to get worse.

10           The Flexibility Act attempts to address the  
11 socioeconomic end. And the data poor end. It may not go far  
12 enough in addressing issues that are of concern to managers.  
13 For example, one of the standards is that over-fishing be  
14 ended immediately. There are some feeling on the part of  
15 managers that that is perhaps not absolutely necessary that  
16 you end over-fishing immediately.

17           And I am not talking about directed over-fishing,  
18 but you may have over-fishing continuing where, particularly  
19 in the South Atlantic again, you have reef stocks where it's  
20 almost impossible not to catch a non-target fish. And not to  
21 have essentially over-fishing occurring even after it was  
22 supposed to have ended.

23           You all, I believe, received via e-mail, both the  
24 Flexibility Act and Magnuson-Stevens. The question in our  
25 minds is well, what exactly is the Flexibility Act trying to

1 achieve. Is it simply trying to achieve a longer time frame  
2 for rebuilding to occur. If that is the case, then what it  
3 is doing is taking risk and building risk onto the fish, as  
4 opposed to the fishery.

5 The original intent was to move risk from the fish  
6 to the fisheries, provide for rebuilding and is -- in a short  
7 a time frame as possible, get fisheries operating again and  
8 thereby optimize the return from the fish and to the  
9 fisheries.

10 And what we're looking for in this discussion  
11 really is what are the perspectives from the Commission as to  
12 what are the issues. Is this a process issue. Is this  
13 really a substantive procedural issue. Is something going  
14 drastically wrong. Have conditions change such that you need  
15 to look back -- and Ed and I had a discussion earlier --  
16 Fisheries Management doesn't necessarily proceed smoothly  
17 down any track. It's like many other things, you move to one  
18 side, the teeter-todder tips, you try and move back to the  
19 other side. Constantly trying to find where your balance is.

20 So, our questions are, what are the concerns. Are  
21 the concerns related to socioeconomic information, the  
22 availability of it. Is it related to the data on fish  
23 stocks. Are there very specific problems with FCMA, Fishery  
24 Conservation and Management Act as opposed to just the way  
25 NOAA and the Councils move through their policy procedures

1 and develop Fisheries Management plans.

2 Certainly if these are data kinds of issues and  
3 part of it is that, it's only going to come with time, money  
4 and resources. And the one thing you can be guaranteed is  
5 that they're short and not necessarily going to get any  
6 longer.

7 However, from a management prospective weakening  
8 the Fisheries Conservation and Management Act to provide for  
9 lengthened rebuilding times, does not necessarily serve the  
10 community any more then it serves the fish.

11 So, with that we're interested in a discussion  
12 about what are the really directed concerns about FCMA and  
13 how could that be perhaps more directly addressed in a bill  
14 to amend it.

15 MR. GRACIE: I just want to make sure before we  
16 open questions, I have one question I am not sure you made  
17 clear, maybe you're assuming everybody read what came out.  
18 My understanding of the main thrust of the Act is that it  
19 gives the Secretary the option of lengthening the time  
20 period under certain conditions, which you say aren't fully  
21 defined. But it doesn't automatically lengthen the recovery  
22 time.

23 MR. EARLY: It does not though. The Secretary  
24 determine in any of that, how the plan proceeds and what the  
25 plan is. And in each case, and there are half a dozen cases,

1 it provides that the Secretary will determine the length of  
2 time.

3 *Questions and Answers*

4 MR. GRACIE: Ed, go ahead.

5 MR. O'BRIEN: That's very fair, Steve. The last  
6 sentence, I guess, is where you and I had a little  
7 disagreement.

8 Now, this all started down in the Gulf. And the  
9 spearhead of it was the National Charter Boat Association.  
10 And a lot of other people have jumped on board. All five  
11 Governors in the Gulf States have taken a position in support  
12 of this amendment. I don't know all the legal ins and outs  
13 of it. I am not a lawyer. But some lawyers have been  
14 involved with it.

15 This is a Tea Party, that's what it is. It's  
16 trying to get some attention here when it comes to the  
17 problems that result from MRFSS, from very bad data  
18 collection, particularly down in the Gulf where people never  
19 forget that during certain hurricanes they were showing  
20 catches of their fish that never occurred because boats never  
21 went out.

22 So there is a lot of disrespect down there towards  
23 Magnuson. There's worries that the new system isn't going to  
24 be much better. And I do think that may be a little unfair.  
25 But it's intense. It is a social and economic as you can get

1 because it involves people making a living and people's  
2 quality of life through their recreation.

3 Now, subsequently, the Northeast has picked up on  
4 it. Right on down through New Jersey. I am not sure about  
5 Delaware. But there are going to be bus loads coming down to  
6 a very confusing thing that is trying to get attention to a  
7 real socioeconomic problem. And there's nothing wrong with  
8 that. It's about time. It's about time.

9 Now, typically throughout the country and in  
10 Washington, you know, people who are concerns -- the  
11 biologists are worried just like you mentioned, that this is  
12 going to denigrate conservation. Well, that's one side of  
13 it. The other side of it is, hey, there's a lot in the  
14 middle that's got to be recognized relative to the  
15 socioeconomic situation here. So, it's a move to get  
16 attention. And hopefully to get that amendment through.  
17 This is not going to stop this year. This is just the start.

18 I want to add one other thing. That it seems like  
19 this issue dovetails with catch shares. Because the same  
20 people are very upset with catch shares, and very upset,  
21 again, with the federal push to implement them just as  
22 they're upset with the federal defensiveness when it comes to  
23 challenging Magnuson.

24 So that's just some generalizations I wanted to  
25 throw out there because, you know, we're intimately involved

1 with them. I am Vice-Chairman of the National Charter Boat  
2 Association.

3 MR. GRACIE: We got a few minutes. I would like to  
4 hear from Commissioners if they have anything to say about  
5 it. I don't know whether we're ready to take a position on  
6 anything tonight. But Ed's talking about, I guess, everybody  
7 knows is there is a march on Washington on Wednesday in  
8 support of this. I think this is the third year this bill  
9 has been introduced. It was at Palenville for two years.  
10 Congressman Palon from New Jersey, was the sponsor. I guess  
11 he's behind it now, isn't he? I think his name is on it.

12 MR. GRACIE: Yes.

13 MR. EARLY: It's interesting that talking --  
14 Lynn Fagley has talked to biologists from South Atlantic  
15 Council. And their concern is not about the rebuilding  
16 periods. They think they could live with the rebuilding  
17 period as it exists. Or even these amended rebuilding  
18 periods, which I think are somewhat difficult to interpret  
19 what they would actually mean.

20 But their concern is with this notion of ending  
21 over-fishing and how expeditiously that happens. They've  
22 got stocks that have been over-fished, continue to be  
23 over-fished and are in fact growing. They're still  
24 technically over-fished, and still technically in violation.  
25 They would simply like to see the issue of that definition of



1 over-fishing addressed.

2 MR. O'BRIEN: Oh, that's a good point. I am  
3 worried about this because what I might see down stream, two,  
4 three -- well, three or four years on striped bass, for some  
5 of these things that are going on now.

6 MR. GRACIE: Ed.

7 MR. SIKORSKI: One thing that has been resonating  
8 through all the arguments we haven't -- not arguments, sorry,  
9 the discussions we've had with regard to fisheries is bad  
10 data. And I think that is something that has definitely  
11 spawned this issue.

12 The reauthorization of Magnuson -- some would say  
13 have some pretty points in it. But what's missing -- to kind  
14 of support -- some of the requirements of it are data. Which  
15 determines when you close a fishery. And ultimately you  
16 close a fishery you have issues which arise, economic issues  
17 which arise.

18 So, like Ed was saying, there's a -- one side is  
19 the conservation side and then you have another side which is  
20 a socioeconomic effect. And there is a necessity for middle  
21 ground to be found. So jobs aren't lost. Because it's a  
22 continuation of bad data and making bad decisions on bad  
23 data. And it has to come to a stop.

24 And a question would be, does anybody have any idea  
25 what the hopes, what National Marine Fisheries' hopes are, a

1 time line where --- may come on line and give some sort of  
2 good data where these decisions can be made in the future? I  
3 mean is there some sort of -- are they saying that we hope  
4 X number of years from now something, we'll have something?  
5 No.

6 MR. EARLY: They are gradually changing from Marine  
7 Recreational Fishing Survey to new survey methodologies. You  
8 may well not see something that says, begin and end. In fact  
9 you want to continue the methodology of the old survey as you  
10 start a new survey so that you can then use new data to look  
11 back at old data and understand what was going on. It gives  
12 you a longer stream of data essentially.

13 MR. SIKORSKI: One other thing, I have concerns  
14 with the ambiguity in legislation, it is just, you know, mild  
15 concern. Because we can't tell the future and things do  
16 change. So one thing that you may be introducing now which  
17 makes sense to have some ambiguity to it, or some  
18 flexibility, may not make sense in the future as things  
19 progress.

20 MR. EARLY: Well, one of the issues with this, that  
21 causes problems, and we tend to focus on the time frame, the  
22 10 year, the Secretary is required at a couple year intervals  
23 to review plans, review stock statuses. And one of the  
24 sections of this bill would allow the Secretary should review  
25 other factors that are effecting over-fished stocks in

1 determining how management should proceed. And those include  
2 industrial development, commercial residential development,  
3 agricultural activity, environmental and ecological changes.

4 And I very well appreciate that those things do in  
5 fact effect fish stocks. However, trying to use those to  
6 mitigate a rebuilding process is really, in my mind, delving  
7 into some sort witchcraft, beyond that which is, even now may  
8 be practiced. Those things certainly need to be addressed.  
9 But to use those as a foil to extend rebuilding time, does  
10 not lead you down the appropriate conservation avenue.

11 MR. SIKORSKI: I fully understand.

12 MR. EARLY: And so that's -- that's where I would  
13 be looking --

14 MR. GRACIE: You're characterizing that decision by  
15 the Secretary as a foil to extend rebuilding time? That's  
16 what you just said, Steve.

17 MR. EARLY: By the crafters of this bill.

18 MR. GRACIE: Oh, okay.

19 MR. EARLY: Which is where I would think you need  
20 something that is more directed and more objective. And that  
21 in fact means, in my mind, that you can't go very far outside  
22 of what you know about stock status. It doesn't suggest that  
23 we should ignore those things. In fact those are the very  
24 things which the bi-annual meeting this year with NOAA, I  
25 thought was the most important thing we were there to

1 discuss. Because if we aren't discussing habitat, and we  
2 aren't doing something about habitat, you can kiss fishery  
3 management good-bye.

4 MR. GRACIE: Right. That is why I am --

5 MR. EARLY: It's over.

6 MR. GRACIE: -- wondering that way -- put it that  
7 way. Dave.

8 MR. EARLY: Probably a bad choice of words.

9 MR. D. SMITH: I guess what -- remind me again, of  
10 why sport fishing, what our goal is with sport fishing, in  
11 this Flexibility Bill. What are we looking to get out of  
12 this -- conversation.

13 MR. GRACIE: The ability, primarily the ability to  
14 extend the rebuilding time.

15 MR. D. SMITH: No, I mean --

16 MR. GRACIE: If --

17 MR. D. SMITH: -- why are we taking it up in sport  
18 fishery right now. Why are we --

19 MR. GRACIE: Oh, because there is a bill that has  
20 been introduced in Congress. There is a big public event  
21 this Wednesday. And it may very well be that our Fisheries  
22 Commission would like some input from the Commission before  
23 they're asked by the Congressional Delegation where they  
24 should stand on the bill.

25 MR. EARLY: We would also like to be able to help

1 inform a better bill, if that becomes a possibility. And Ed  
2 has many different perspectives from his seat with National  
3 Charter Boat. And our issues are not at all the same as  
4 necessarily as southern issues.

5 MR. SIKORSKI: I think it's important as  
6 commercialers until we become informed on this issue because  
7 it's going to be a big issue and our constituency -- you  
8 know, it's going to come up with our constituents, in order  
9 to make well informed decision in the future to the  
10 Department when they ask for more guidance. I think you  
11 really need to delve into this.

12 We met the -- the attachment you sent to us for  
13 Magnuson-Stevens was what 178 pages. I tried to get through  
14 part if it, but I mean, you know --

15 MR. EARLY: This, by the way, another reason would  
16 be that our Fisheries Management Plan Authority in Maryland  
17 law basically floats from Magnuson-Stevens. So what you see  
18 here could well get reflected in a bill to the Maryland  
19 General Assembly.

20 MR. GRACIE: I don't know if everybody is aware but  
21 during the debate of the reauthorization of Magnuson-Stevens,  
22 Recreational Fishing Organization brought up this issue and  
23 objected to this fixed time line during the whole process.  
24 So this is not a new issue.

25 MR. D. SMITH: Okay, I know. I just --

1           MR. GRACIE: It came to a head last year when the  
2 -- it came to a big head when the black sea bass fishery got  
3 shut down last year, last fall. So -- here is a fishery that  
4 was above its target, was rebuilt, and got over fish in one  
5 year and they shut it down. And they put thousands of people  
6 out of business for six months. So that -- people viewed  
7 that as the drastic consequence of Magnuson-Stevens without  
8 any flexibility when it wasn't -- most people -- well,  
9 recreational fishermen viewed that as it's unnecessary. I  
10 don't know if most people would agree with that, but yes. So  
11 I mean it's a hot issue.

12           I think Dave Sikorski is right, and everybody is  
13 right, we need to get informed on it. I don't expect us to  
14 make a decision on it tonight. I don't think you guys are  
15 going to go home and read Magnuson-Stevens tonight.

16           Some of the people in this Commission followed that  
17 bill. Bill Windley was one of them. Who was very much  
18 involved in that through the whole process, as I am sure you  
19 know.

20           MR. D. SMITH: Yes.

21           MR. GRACIE: He's not here tonight, unfortunately.  
22 But in any rate I thought we needed to have presentation on  
23 it. Get a chance to discuss it. Let's come back next month  
24 better informed. The bill is probably not going to depend on  
25 our input in the next month, for anything to happen. It's

1     been going on for three years, that's why I say that.

2             MS. KENNEDY: Can I just--

3             MR. GRACIE: Yes, go ahead, Carrie.

4             MS. KENNEDY: Can I just add one thing. We have a  
5     couple of anglers from the coast, not only who are organizing  
6     to go on Wednesday, but also who have gone to the congressmen  
7     and their senators and spoken directly about supporting this  
8     bill. So we do have people, anglers in Maryland that are  
9     already talking to their national legislators about support  
10    and have asked us for, you know, for --- and for support. So  
11    I certainly encourage more of that.

12            MR. GRACIE: And continued discussion.

13            MR. D. SMITH: Jim, can I --

14            MR. GRACIE: Yes.

15            MR. D. SMITH: You know, MSSA is involved with this  
16    bill and we've been asked to support it. And we are going to  
17    support this bill. We have numerous chapters throughout the  
18    state that are getting buses together full of our members and  
19    going down there. So I think it's important. I think  
20    everybody should go home and read it, Magnuson-Stevens, and  
21    read the amendment, because I think it will have some  
22    positive outcome.

23            MR. GRACIE: Right. We're not finished yet. We  
24    still have a couple more items on the agenda. Are we  
25    finished with that now? Thank you, Steve.

1 MR. EARLY: Thank you.

2 MR. GRACIE: Diamond Jim Update.

3 ***Diamond Jim Update***

4 ***by Marty Gary, MD DNR Fisheries Services***

5 MR. GARY: Mr. Chairman, we're five minutes over,  
6 but out of respect of the hard work of several Commissioners  
7 I would like to have that full 10 minutes if I could. I  
8 promise I will send you out on a good note.

9 MR. GRACIE: All right. You got it. Go ahead.

10 MR. GARY: Real quick, in 2005, at a Stakeholder's  
11 Meeting, Kent Narrows, the Department was delivered a message  
12 that we could do a better job promoting the diversity and  
13 quality of the sport fishing opportunities here in the state.  
14 And so we sought to do just that by having -- developing long  
15 term management -- or marketing plans, within the Sport Fish  
16 Commission.

17 And the Sport Fish Commission, prior to this group,  
18 and we do have two incumbents who were participating at that  
19 time, did make some headway along those lines. And that is  
20 something that we may want to take up at -- in the not too  
21 distant future. But also in the shorter term, we tried to  
22 create a fishing festival or contest to generate some  
23 enthusiasm.

24 We start off in 2005 with a several week contest on  
25 Chesapeake Bay involving four species of fish. Using input



1 from the Commission and our stakeholder groups we are now  
2 into our sixth year and we've expanded it to a complete --  
3 state inclusive context, all across the state, not just the  
4 Chesapeake Bay, over 60 different species of fish, youth  
5 events, it's been totally inclusive.

6 We -- it's been pretty successful, I think, until  
7 we hit this economic wall in the last year or so where we  
8 lost a lot of our sponsorship. But just in the last few  
9 weeks through a lot of the Stakeholder Groups, out at the  
10 Law Enforcement Summit, we got a mandate to go ahead and go  
11 forward with this. We convened a meeting of the sport  
12 fishing groups and we had 23 different groups represented  
13 just a couple of weeks ago, that totally support it, going  
14 forward with the contest, keeping it's basic structure and  
15 expanding where we can.

16 We still had the daunting roadblock of having  
17 promotion sponsorship through our major sponsors. And  
18 thanks to some hard work by both Larry Coburn and his  
19 colleagues at Bass Pro Shop and Dave Smith with the World  
20 Fishing Networks and other within MSSA, we've made some  
21 significant headway.

22 So I would like to actually turn it over -- I guess  
23 first, Dave, I would just acknowledge World Fishing Network  
24 as one -- groups you've worked with.

25 MR. D. SMITH: Yes.

1           MR. GARY: But they're willing to put, I think,  
2 several thousand dollars into this years contest.

3           MR. D. SMITH: Yes, quite a bit. I think it's  
4 closer to \$10,000.00 towards this. Just kind of putting  
5 together a grand prize fishing trip for whoever wins it. So  
6 they're looking, they're very interested in it.

7           MR. GARY: Excellent. And then Larry, you have  
8 been great working with some of the folks there in the shop  
9 and communicating to corporate how important it is for Bass  
10 Pro Shops, you want to share some of the discussions you've  
11 had. It is awesome.

12           MR. COBURN: Yes. I mean we've been relaying every  
13 bit of information we can get -- on this event is being  
14 promoted. So with getting this information to corporate, and  
15 their budget really got tight, they just became sponsors of  
16 PBR, Professional Bull Riding Association or whatever. A lot  
17 of their monies went that way.

18           We were still to wedge out and they're donating a  
19 boat again this year for the event, which I think is a great  
20 prize. But in -- I was talking to Marty earlier, we have  
21 some vendor association at the store, of course, and one of  
22 those vendors is Under Armor and it looks like we've gotten  
23 Under Armor's attention and they're going to come on board  
24 with some stuff, too. So, it's starting to roll in the right  
25 direction.

1 MR. GARY: Great.

2 MR. GRACIE: Way to go, Larry.

3 MR. GARY: And also Bass Pro Shop, Larry, and Aaron  
4 and company have a long relationship with Toyota, which was  
5 with us for several years. But it looks like Joe Evans, is  
6 it still with us? Joe left? Joe has been working with Larry  
7 and Aaron with our past contact there. And there's a very  
8 good chance Toyota will jump back on board.

9 So, I just wanted to thank everybody for their hard  
10 work. You know, it's the people's -- the fishermen's contest  
11 and their groups. And their total unanimity in supporting  
12 it. We also just got our twenty-fourth group on board. They  
13 weren't able to join us today. We had the meeting. But it's  
14 the Chesapeake Women Anglers Group.

15 And we also want this contest to -- to help in --  
16 help bring more young ladies and older ladies on board, get  
17 more women fishing.

18 And really, if you haven't see this -- please. I  
19 think this is worth seeing if you haven't seen it. Hopefully  
20 it will pop up here. Great timing because we're able to get  
21 this over to Springfield, Larry's group, it's the Outdoors  
22 Maryland Sequence, did anybody see that at all?

23 You are going to like this. This is eight minutes  
24 and this thing sells the whole contest. I hope you enjoy it.

25 MR. GRACIE: It's going to have to start first.

1           MR. GARY: I think it will start. Despite me.  
2 Here it goes. We might even get sound.

3           (Video Presentation)

4           MR. GARY: I would just say thanks to Larry, thanks  
5 to Dave, thanks to Val, thanks to everyone. Thanks for all  
6 the different groups.

7           MR. GRACIE: Before any Commissioners leave, I  
8 mean, anybody from the public wants to say anything, we  
9 certainly would like to hear it. This is your opportunity.  
10 Complaints?

11           (No response)

12           MR. GARY: Next meeting is March 22<sup>nd</sup>.

13           (Whereupon, the meeting adjourned at 9:21 p.m.)  
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